

# Notice of Meeting



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## Eastern Area Planning Committee

**Wednesday 18th September 2019 at  
6.30pm**

**At the Calcot Centre, Highview (off Royal Avenue), Calcot**

### **Members Interests**

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 10 September 2019

### **FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC**

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)



**WestBerkshire**  
C O U N C I L

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 18 September 2019 *(continued)***

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Stephen Chard / Jessica Bailiss on (01635) 519462/503124 Email: [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk) / [jessica.bailiss@westberks.gov.uk](mailto:jessica.bailiss@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 18 September 2019 (continued)**

**To:** Councillors Peter Argyle, Jeremy Cottam, Alan Law (Chairman), Royce Longton, Alan Macro, Geoff Mayes, Graham Pask, Joanne Stewart and Andrew Williamson

**Substitutes:** Councillors Gareth Hurley, Owen Jeffery, Nassar Kessel, Tony Linden and Keith Woodhams

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 16  
To approve as a correct record the Minutes of the meeting of this Committee held on 28 August 2019.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)*
  - (1) **Application No. & Parish: 18/02485/OUTMAJ - Land North Of Dauntless Road and South Of Pondhouse Farm, Clayhill Road, Burghfield Common** 17 - 34

**Proposal:** Outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Matters to be considered: Access.

**Location:** Land North Of Dauntless Road and South Of Pondhouse Farm, Clayhill Road, Burghfield Common, Reading, Berkshire.

**Applicant:** Englefield Estate Trust Corporation Ltd

**Recommendation:** Delegated to the Head of Development and Planning to grant outline planning permission subject to the completion of a section 106 agreement.

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 18 September 2019 (continued)**

- (2) **Application No. & Parish: 18/03209/FULEXT - 19 and 19A High Street, Theale** 35 - 56
- Proposal: Demolition of existing building and construction of 15 dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.
- Location: 19 and 19A High Street, Theale
- Applicant: TA Fisher Developments Ltd
- Recommendation: Delegated to the Head of Development and Planning to grant planning permission subject to the completion of a section 106 agreement.
- (3) **Application No. & Parish: 19/01038/FULD - Land Adjacent To 1A King Street, Mortimer Common** 57 - 78
- Proposal: Erection of 2 x 1 bed and 2 x 2 bed apartments with associated parking and infrastructure following reconfiguration of existing retail car park (accessed from King Street) and creation of new loading bay with associated alterations to shop frontage (accessed from Victoria Road).
- Location: Land Adjacent To 1A King Street, Mortimer Common, Reading, West Berkshire, RG7 3RS.
- Applicant: Fresh As A Daisy Food Stores Limited
- Recommendation: Delegate to the Head of Development and Planning to grant planning permission.

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke  
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### **EASTERN AREA PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 28 AUGUST 2019**

**Councillors Present:** Peter Argyle, Jeremy Cottam, Alan Law (Chairman), Tony Linden (Substitute) (In place of Joanne Stewart), Royce Longton, Ross Mackinnon (Substitute) (In place of Andrew Williamson), Alan Macro, Geoff Mayes and Graham Pask

**Also Present:** Sharon Armour (Solicitor), Michael Butler (Principal Planning Officer), Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Bryan Lyttle (Planning & Transport Policy Manager) and David Pearson (Development Control Team Leader)

**Apologies for inability to attend the meeting:** Councillor Joanne Stewart and Councillor Andrew Williamson

#### **PART I**

#### **16. Minutes**

The Minutes of the meeting held on 7 August 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 14(1) – 19/00344/COMIND – Stonehams Farm, Long Lane, Tilehurst**

**Member Questions to Officers, second paragraph, third sentence:**

He was of the understanding that all **non**-residential developments required an ‘excellent’ rating for BREEAM.

**Debate, second paragraph, second sentence:**

Visibility along **the single track section of** Long Lane was poor and often reached the stage where several vehicles had to attempt to pass each other at the same time.

**Item 14(3) – 19/01171/FULD – Blacknest Farm, Brimpton Common**

**Member Questions to Officers, third paragraph, second sentence:**

Mr Pearson stated that they were almost identical and the former application was refused under **delegated** powers.

Comment was also made on the conditions for the following item:

**Item 14(2) – 19/00772/RESMAJ – Land adjacent to Primrose Croft, Reading Road, Burghfield Common**

Reference was made in the debate, which then formed part of the Committee’s resolution, for approval of this application to be subject to the receipt of satisfactorily amended plans for plot 4. However, David Pearson (Development Control Team Leader) clarified that it had not been necessary to add this as a condition as the applicant’s agent submitted amended plans for plot 4 the day after the Committee.

#### **17. Declarations of Interest**

There were no declarations of interest received.

**18. Schedule of Planning Applications**

**(1) Application No. & Parish: 19/00031/FUL - Land west of Hill Place, Bath Road, Woolhampton**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/00031/FUL in respect of a retrospective application for the erection of two day rooms, two mobile homes and two touring caravans for occupation by gypsies/travellers. The application also sought retrospective approval of new access onto the highway and hardstanding, and the erection of fencing.

Michael Butler, Principal Planning Officer, introduced the report and highlighted the following points:

- The application had been due to be considered at the Committee on 17 July 2019, but was deferred as a result of concerns over Sustainable Drainage Systems (SuDS). Detailed submissions had since been provided relating to SuDS and appropriate conditions had been formed on this point should approval be granted.
- The southern boundary of the site abutted a railway line and Network Rail had been consulted. Network Rail had no objections subject to the proposed revised wording of condition 13 (land stability). It had also been confirmed with Network Rail that if, in future, any land stability issues which might arise from the raised site should impact upon Network Rail land, the landowner would be held liable and not the Council.
- Mr Butler clarified that no domestic permitted development rights applied to mobile homes as they were termed caravans and not dwellings per se. As such no condition was required to remove such rights as they did not exist on the site.
- The Officer recommendation to grant planning permission was very much 'on balance'. It was rare to recommend approval for a retrospective application which was outside a defined settlement boundary, however the application was recommended for conditional approval as it was considered to provide an exceptional case.

In accordance with the Council's Constitution, Mr Jack Lovell, Parish Council representative, Mr Tony Renouf, objector, and Mr Brian Woods, agent, addressed the Committee on this application.

**Parish Council Representation**

Mr Lovell in addressing the Committee raised the following points:

- Woolhampton Parish Council strongly opposed the application.
- The erection of pitches followed by a retrospective planning application should not be tolerated. The correct, lawful process should be followed.
- The site was greenfield land and outside the defined settlement boundary.
- The requirement for West Berkshire Council to provide pitches was not relevant.
- The Parish questioned whether a more standard application on greenfield land outside of the settlement boundary would be granted. They did not feel this would be the case.
- There was no evidence that alternative and more suitable sites had been sought.
- Gypsy/traveller status was not originally claimed by the applicant. The report stated that this point had been rectified, but the Parish questioned how this had been confirmed by Planning Officers. Rigorous checks were needed.

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- The Parish did not feel that the requirements of Policy TS3 (detailed planning considerations for traveller sites) of the Housing Site Allocations Development Plan Document (HSA DPD) were being sufficiently covered. There had been no detailed assessment of the suitability of the site.
- The rights of the settled community needed to be considered.
- The application should be refused or at the very least deferred until the applicant's true position was understood. If it was approved then it should be for a time limited period.

### **Member Questions to the Parish**

Members questioned the Parish Council's views on the status of the applicant. Did they not believe the applicant was a gypsy/traveller? Mr Lovell advised that the local understanding in the village did not align with this, other than for one individual living on the site.

Councillor Graham Pask referred to an accepted neighbouring rural exception site for affordable housing which was located on a greenfield site outside of any recognised settlement, and queried the Parish Council view on that. Mr Lovell commented that this was a completely different consideration to this application.

### **Objector Representation**

Mr Renouf in addressing the Committee raised the following points:

- The already developed site was out of keeping with the rural community. Its visual impact was of concern and the impact of the exterior fencing would only be mitigated by painting the fence green. No planting was initially possible.
- The two day rooms were proposed to house utilities, but these utilities would be provided within the mobile homes meaning there was no need for the day rooms. It was felt that multi-occupancy of the site was inevitable.
- It was questioned whether conditions would be enforced.
- The hardstanding beyond the western boundary meant there was a risk of further expansion. Approval of this application would set a precedent.

### **Member Questions to the Objector**

In response to Member queries, Mr Renouf explained that the site overlooked the railway line and was not overly close to it. There was no awareness of the infill material used beyond the western boundary.

Councillor Alan Law explained that he would be asking officers to respond to the queries put by the objector where appropriate.

### **Agent Representation**

Mr Woods in addressing the Committee raised the following points:

- No objections had been raised by a number of consultees including highways and the Environment Agency. There was no flood risk and no objection on the grounds of noise impact.
- The site did not sit within a Greenbelt or AONB designation.
- The site adjoined an existing rural exception site for affordable housing.
- It was right that the application was recommended for approval. West Berkshire Council had a policy requirement to meet the need for gypsy and traveller sites.

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- In response to the concern raised of setting a precedent on the site, Mr Woods pointed out that this would be controlled by condition two – limitation of development. If this was breached then enforcement action could be taken. Likewise, the potential for future expansion could be controlled by the Local Planning Authority.
- A Ministerial Statement, issued in 2015, concerned intentional unauthorised development becoming a material planning consideration if this was found to be the case. He felt this was directly aimed at the traveling community. However, an exceptional case could be made in particular cases. This Statement had not been updated, as anticipated, in the two National Planning Policy Frameworks which had since followed.
- On being out of the settlement boundary, Mr Woods pointed out that gypsy/traveller sites were generally in the countryside.
- The required gypsy and traveller status information had been provided to Planning Officers and the necessary tests had been passed.
- Good practice guidance for such developments recognised the need for day rooms.

### **Member Questions to the Agent**

Councillor Jeremy Cottam queried the infill material used to raise the site levels. Mr Woods was not able to confirm precise details, but did confirm that 'clean' compacted infill had been used and supplied by a reputable supplier of such materials. The supplier had been issued with the necessary tickets to operate from the Environment Agency. Mr Woods also made the point that adherence with the land stability condition of approval required certain site material tests to be passed.

Councillor Pask followed this by querying whether the infill materials had come from a licensed site. Mr Woods advised that the supplier was only permitted to procure materials from a licensed site. This would be put to the test as part of adhering to the land stability condition.

In response to a question from Councillor Pask, Mr Woods confirmed that this was a case of intentional unauthorised occupation.

Councillor Pask next queried the justification for the day rooms. He had observed that the smart static caravans had kitchens and he queried the need for the day rooms. Mr Woods explained that it was common practice for gypsy and traveller sites to have day rooms as there was a strong preference for gypsies and travellers to have their cooking facilities separate to the living space. Mobile homes were provided with kitchens as standard.

Mr Woods confirmed the day rooms would be a daytime space and not used for sleeping in. He also clarified that the day rooms had not been built.

Councillor Pask turned to drainage. He queried if the drainage of the day rooms would be connected to the existing drainage system. Mr Woods confirmed this would be the case. If permission was granted, conditions in relation to SuDS and land stability would be adhered to.

Councillor Pask queried whether drainage works would be completed in time and would meet with the requirements of Network Rail, i.e. that no soakaways, attenuation ponds or other drainage infrastructure would be within five metres of the boundary to the railway land. Mr Woods confirmed this point. Surface water and drainage would be directed away from the railway line.

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In response to a question from Councillor Ross Mackinnon, Mr Woods confirmed his view that the Ministerial Statement was directed at constraining the gypsy and traveller community. He repeated that this had not been reviewed in the 2018 or 2019 versions of the National Planning Policy Framework (NPPF). Councillor Law commented that while guidelines and statements were not always updated in subsequent legislation, they could still be applicable.

Councillor Geoff Mayes noted that mains water infrastructure crossed the site and queried its location. Mr Woods could not confirm this point but clarified that it was beneath the raised area of the site.

In response to a query from Councillor Law, Mr Woods explained that the site was first occupied early this year.

### **Ward Member Representation**

Councillor Graham Pask, in addressing the Committee as Ward Member, raised the following points:

- The application had been submitted in February 2019. He only became Ward Member for the area in May 2019.
- There was a need for local authorities to provide sites for gypsies and travellers as otherwise, land could become intentionally occupied without authorisation, and retrospective applications would follow. Gypsies and travellers were therefore within their rights to occupy land legitimately.
- The site had many positives including good access and public transport links. There were however concerns, one of which was the close proximity of the site to the railway line.
- While Network Rail had not lodged an objection, this was based on compliance with a number of conditions that had to be met within a tight timeframe, i.e. land stability. The results of the land survey and samples needed to be cleared before the site could be occupied. Drainage was a concern and details needed to be provided for assurance on this point.
- Councillor Pask commented that the applicants were good citizens and had been paying Council Tax for the site since the end of last year. However, the application was not for a personal permission and therefore there could be an issue with subsequent occupiers of the site (as was the case for any application).
- The landfill/infill used for the affordable housing rural exception site would have a trail of justification certificates. He questioned if this trail existed for this site and how this could be enforced.

### **Member Questions to Officers**

Councillor Cottam sought to understand the building regulations and requirements for infill and land raising. Bryan Lyttle (Planning and Transport Policy Manager) explained that only land raising applied for this application. The materials used were licensed by the Environment Agency and they held a record of this. However, for some small sites such as this, with a small requirement for materials, the Environment Agency requirement might not apply as it would not amount to minerals and waste activity. Mr Lyttle gave his understanding that the land raising materials were likely from construction/demolition waste, post being processed, from a local supplier such as J. Mould.

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Councillor Pask then sought confirmation that the land raising material was 'clean'. Mr Lyttle could not confirm the material used in this instance. If J Mould was the supplier then the material would be 'clean'.

David Pearson (Development Control Team Leader) clarified that the debate around land raising material was not a material planning consideration and not a determining factor for the application. The material(s) used was a matter for other relevant agencies. However, the act of land raising did require planning permission. Approval effectively legitimised the land raising and materials used.

Councillor Mackinnon referred to the suggestion made that some of the 14 conditions might not be enforceable and sought clarity on that. Mr Pearson explained that enforcement action was not statutory. The Government advice for local authorities was to consider if it was expedient to use enforcement powers or seek a separate agreement. Many breaches of conditions were reported and investigated, and enforcement powers would be used if considered expedient to do so to correct an issue, but this would not be in all cases.

Mr Pearson did however feel that the conditions for this application were sound and enforceable, and could be added to. Failure to adhere to conditions could result in a breach of conditions notice being issued and ultimately this could go to the magistrate's court for resolution.

Councillor Mayes queried the existence of trees between the red line of the site and the railway line, and any protection afforded to them. Mr Butler explained there were existing trees that were positioned external to the red line. There was some concern with regard to the impact on the roots of the trees, but the trees were not considered of particular quality or subject to a Tree Preservation Order (TPO). Mr Butler also clarified that Network Rail owned the land beyond the site boundary.

Councillor Macro queried visibility/overlooking of the site. While it was shielded from the road, it could be observed from the railway line. He asked whether it could be overlooked from the canal, the cycle path and the AONB.

Mr Butler felt it highly unlikely that the site could be viewed from the AONB. Mr Pearson added that it was not possible currently to observe the site from the canal due to the dense foliage, but it could be possible during the winter months.

Councillor Macro's next question related to the Planning Policy for Traveller Sites (PPTS). Paragraph 25 of the PPTS stated that new developments should be limited in the open countryside and not adjoin other developments. Mr Lyttle explained that the PPTS predated the HSA DPD which was the policy consideration for this application.

Councillor Macro followed this by querying the status of the Ministerial Statement when it had been followed by two revisions to the NPPF. Mr Lyttle clarified that this was a statement of intent from the Government and carried less weight than the NPPF and the Council's policies. Mr Pearson added that the Planning Inspectorate was still referring to the Statement and remained a material consideration, but agreed with Mr Lyttle's point that it carried less weight.

Councillor Pask referred to condition 13 – land stability. Adherence to this condition involved a site investigation and questioned therefore whether the land raising material was a factor to consider. Mr Pearson referred to the earlier points made on use of clean material. Network Rail had been consulted on land stability and they raised no concerns subject to conditions.

Councillor Law queried the sites allocated in West Berkshire for gypsy and traveller pitches. Mr Lyttle explained that the necessary number of sites/pitches were allocated in

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both West Berkshire Council's Gypsy and Traveller Accommodation Assessment (GTAA) and the HSA DPD but they had not come forward for development. Therefore the five year land supply for gypsy and traveller pitches was not currently being met. Mr Pearson added that a Planning Inspector had previously and would again take into account whether or not the five year land supply was being met in determining a potential appeal.

### **Debate**

Councillor Pask stated that the Council was required to provide gypsy and traveller sites, and appropriate sites had been allocated but had not come forward for development.

This application was a clear case of intentional unauthorised occupation and this point had been confirmed by the agent. The retrospective application had followed.

The neighbouring site was a rural exception site and had been developed to fulfil a need for affordable housing in the area.

Approval of this application was recommended by officers to fulfil another exception/policy requirement. This retrospective application would fulfil a housing need, but this needed to be balanced against the intentional occupation point.

Councillor Tony Linden made the point that applicants should not be penalised for submitting retrospective applications and this should not be a consideration in determining planning applications. Councillor Macro felt that the Ministerial Statement did not align with that point.

Councillor Macro then referred to Policy CS7 of the Core Strategy which stated that applications from gypsies and travellers should not materially harm the character of the area. In his view, the land raising made it visually intrusive from the railway line.

Councillor Cottam felt that concern remained on land stability and that the materials used for land raising were unconfirmed. However, this would be mitigated by proposed condition 13. On balance, Councillor Cottam agreed with and proposed acceptance of the Officers' recommendation to grant conditional planning permission. This was seconded by Councillor Linden.

The potential for additional conditions was discussed. In considering the points discussed during the meeting, Mr Pearson suggested an additional condition to ensure that the use of the day rooms was incidental to each pitch and not used for overnight accommodation. The additional condition was agreed by the proposer and seconder.

The land stability condition was discussed. Councillor Cottam stated that this should involve a detailed study of land raising materials by a qualified expert. Mr Butler noted this point, but considered that the existing wording of the condition was sufficient to achieve this. The condition would not be discharged until the requested detail was provided and proved satisfactory.

Councillor Mackinnon was concerned that conditions might not be followed when considering that a retrospective application had been submitted.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **Plans**

1. The development must remain in accordance with the as approved plans - JOO3121-CD01-REV A, JOO3121-CD02-REV A, JOO3121-CD03-REV C, and JOO-CD04.

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Reason: To clarify the permission in accord with the advice in the DMPO of 2015.

### **Limitation of development**

2. At no time shall more than 2 mobile homes, 2 touring units and 2 day rooms be located on the application site.

Reason: The Council considers that any increase in the number of caravans/ mobile homes/ day rooms on the site may amount to an over-development. This would be contrary to policy CS7 of the WBCS of 2006 to 2026.

### **Landscapes**

3. Within 3 months of the grant of this permission, the applicant shall ensure that the development is completed in accord with the revised block plan number CD03-Rev C. In addition within 1 month of the date of this permission a landscaping plan for the western buffer shall be submitted to the LPA for consideration. On approval such a plan shall be planted out to the satisfaction of the LPA within the next available planting season.

Reason: To enhance the visual aspects of the site in accord with policy CS19 in the WBCS of 2006 to 2026.

### **Access gates**

4. Within two months of the date of this permission the access gates where vehicles enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **Surfacing**

5. Within two months of the date of this permission, details of the surfacing arrangements for the vehicular access to the highway must be submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter [within one month of the approval of the details], the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **Occupation**

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6. The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites /MHCLG].

Reason: Residential use of this site has only been allowed to cater for the specific needs of the Gypsy and Traveller Community in accordance with Policy CS7 in the West Berkshire Core Strategy (2006 to 2026).

### **No commercial use**

7. No commercial use or activities shall take place within the application site at any time, including the storage of any materials. In addition, no vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site.

Reason: To protect the amenity of adjacent dwellings; to introduce B2/ B8 uses or other commercial uses, next to these dwellings would be harmful to their amenity and not in accord with the advice in the NPPF 2019.

### **Lighting**

8. No external lighting shall be installed on the site at any time unless a planning application for that purpose is submitted to and approved in writing by the Council. Once approved, the lighting must be erected in accordance with the approved details and thereafter maintained in accordance with them.

Reason: The site lies in the rural area where additional lighting would be harmful, in accord with the advice in para 180 of the NPPF.

### **Noise**

9. A scheme for protecting the occupiers of the two mobile homes from noise from traffic on the adjacent roads and from noise and vibration from the railway lines shall be submitted to the local planning authority within 3 months of date of this permission. Any works which form part of the scheme approved by the authority, shall be completed within 6 months of date of this permission, unless an alternative period is agreed in writing by the authority.

Reason: Without such a scheme, occupiers of the development are likely to suffer from noise caused by the traffic and rail line to an unacceptable degree. In accordance with the advice in policy OVS6 of the West Berkshire District Local Plan (1991 to 2006).

### **Fencing - colour**

10. Within 2 months of the date of this permission, the external facing elevations of the west and south perimeter boundary fences shall be painted a dark green colour previously agreed in writing by the local planning authority.

Reason: To ensure the visual impact of the new fencing is reduced in accord with the advice in policy CS19 in the WBCS of 2006 to 2026.

### **Suds**

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- 11 Within 3 months of the date of this permission, details of sustainable drainage measures to manage surface water within the site must be submitted to the Local Planning Authority.

These details shall:

- a) Include and be informed by a ground investigation survey which establishes the soil characteristics and groundwater levels to confirm the principles applied are feasible in practice;
- b) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- c) Include details of how the SuDS measures will be maintained and managed in perpetuity.

Once approved by the Council, these sustainable drainage measures shall be implemented in accordance with the approved details within a further 3 months of the date of that approval. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

### **Removal of shed.**

12. Within one month of the date of this permission, the unauthorised storage shed on the site shall be removed in its entirety and the site left in a neat and tidy condition.

Reason: To ensure no proliferation of structures on the site other than those permitted by the Council, in accord with policy CS19 in the WBCS of 2006 to 2026.

### **Land stability**

13. Within three months from the date of this grant of approval, a site investigation of the nature and extent of any land instability must be carried out, in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures, within 3 months of the date of approval of the agreed scheme.

Reason: To ensure the site will not impact valued infrastructure in accord with policy CS5 in the WBCS of 2006 to 2026.

### **Drainage**

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14. No surface water shall be discharged onto Network Rail land, and no soakaways, attenuation ponds or other drainage infrastructure shall be within 5 metres of the boundary to the adjacent railway land.

Reason: To protect valued infrastructure in accord with policy CS5 in the WBCS of 2006 to 2026.

15. The two day rooms hereby permitted shall only be used for purposes ancillary and incidental to the use of the two mobile homes hereby permitted on the site. The day rooms shall not be used as separate residential accommodation nor shall they be used to provide additional sleeping accommodation.

Reason: To ensure no overdevelopment of the site and to restrict new dwellings in the rural areas in accord with policy C1 in the West Berkshire Council Housing Site Allocations DPD 2017.

### Informatives

Standard NPPF clause, CIL, and no encroachment onto Network Rail Land.

### 19. Site Visits

A date of 11 September 2019 at 5.30pm was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 18 September 2019.

Before closing the meeting, Councillor Alan Law announced that this meeting was David Pearson's last as lead officer for the Committee after fulfilling this role for 18 years. Bob Dray was taking on this role. On behalf of the Committee, Councillor Law gave thanks to Dave for his professionalism and for the excellent advice he had provided to Members over the years.

Dave explained that an operational decision had been taken for himself and Bob Dray to swap roles. Dave would take on responsibility for householder applications and therefore might still make a 'guest' appearance at Committee.

Dave stated that it had been a privilege to work with the Committee and its Members. He admired Members for their commitment in serving their local communities. Dave concluded by saying that he had thoroughly enjoyed his work with the Committee.

*(The meeting commenced at 6.30pm and closed at 8.15pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	18/02485/OUTMAJ  Burghfield Parish Council	17 December 2018 <sup>1</sup>	Outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Matters to be considered: Access.  Land North Of Dauntless Road and South Of Pondhouse Farm, Clayhill Road, Burghfield Common, Reading, Berkshire  Englefield Estate Trust Corporation Ltd

<sup>1</sup> Extension of time agreed with applicant until 30 October 2019

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02485/OUTMAJ>

**Recommendation Summary:** Delegated to the Head of Development and Planning to grant outline planning permission subject to the completion of a section 106 agreement.

**Ward Member(s):** Councillors Bridgman, Longton and Mayes

**Reason for Committee Determination:** More than 10 objections received.

**Committee Site Visit:** 11<sup>th</sup> September 2019

## Contact Officer Details

**Name:** Michael Butler  
**Job Title:** Principal Planning Officer  
**Tel No:** 01635 519111  
**Email:** michael.butler@westberks.gov.uk

## **1. Introduction**

- 1.1 This application seeks outline planning permission for a residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Details of access are to be considered at the outline stage, but all other matters (appearance, landscaping, layout and scale) are to be considered at a later stage under reserved matters applications.
- 1.2 The application site measures 4.24ha in extent and is green field, lying to the north east of the settlement of Burghfield Common, and south of Clayhill Road. It lies adjacent Clayhill Copse and Pondhouse Copse. Immediately to the west of the site lies existing housing. It lies within the identified settlement boundary of the village, as was revised by the adopted HSA DPD in 2017. The application site forms the allocation for 100 dwellings as set out in Policy HSA15 of the HSA DPD.
- 1.3 The application is in outline with access to be agreed at this stage. This means detailed matters of layout, scale, appearance and landscaping would be examined at future reserved matters stage, should this application be approved. Notwithstanding this, the applicant has submitted indicative layouts which exhibit the point that 100 dwellings can be satisfactorily accommodated on site, with the required public open space, buffer strips, car parking and road/footpath access points. The gross density would accordingly be 38 dwellings per hectare (dph).
- 1.4 The applicant has agreed to accept a s106 planning obligation which will secure 40% of the homes as affordable, which equate to 40 units. In addition a commuted sum of circa £22,000 towards the public open space is to be provided, and a sum of £4000 is to be provided towards the new off-site footpath link into Coltsfoot Close for its construction.
- 1.5 Two vehicle accesses are to be provided onto Clayhill Road. It is also proposed to provide a new footpath/cycleway link to Coltsfoot Close in the south west corner of the site: for clarity this is NOT to be a vehicular access.

## **2. Planning History**

- 2.1 The application site is allocated for housing under Policy HSA15 of the Housing Site Allocations DPD 2006-2026, and has therefore been subject to consideration at a plan-making level. There is no relevant history of planning applications.

## **3. Procedural Matters**

- 3.1 The application has been considered under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.
- 3.2 In this instance, the proposed development is listed in the first column of Schedule 2 (10b – urban development projects). However, the proposal does not meet the relevant criteria being for under 150 dwellings and a total area of development of less than 5 hectares. As such, the Council is not required to issue a screening opinion.

- 3.3 On 6<sup>th</sup> September 2019 a letter was received from the Ministry of Housing, Communities and Local Government in response to a third party request for a screening direction. This letter declined to issue a screening direction for the same reasons.
- 3.4 It should be noted that the absence of a requirement to provide an Environment Statement relates solely to the EIA Regulations; it does not otherwise fetter the Council's consideration of the environmental impacts of the development.
- 3.5 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of site notices. The deadline for representations expired on 22<sup>nd</sup> October 2018 (original submission) and 17<sup>th</sup> July 2019 (amended plans). The application was also publicised in the Reading Chronicle on 4<sup>th</sup> October 2018.
- 3.6 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL. The amount of CIL liability would be determined at reserved matters stage.

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Burghfield Parish Council:</b>	Objection. Move primary vehicle access north along Clayhill Road to provide better view and keep it clear of traffic calming. Amended plans –no views received.
<b>Sulhampstead Parish Council:</b>	No objections.
<b>Ministry of Housing, Communities and Local Government</b>	Determined that the Council should determine the application, rather than being called in by the Secretary of State.
<b>WBC Highways:</b>	Conditional permission is recommended on the amended plans.
<b>Archaeology:</b>	Recommends conditional permission be granted.
<b>Education:</b>	The impact of the new occupants on the local area can be satisfactorily accommodated/mitigated by the application of CIL.
<b>Office of Nuclear Regulation:</b>	Do not advise against the development in relation to off-site emergency procedures related to the two AWE sites.
<b>Environmental Health:</b>	The issues to be resolved are during construction and future occupation, relating to noise, air quality and dust suppression. These are all capable of acceptable mitigation via planning conditions, which are duly recommended.

<b>Ecology:</b>	Recommends conditional permission to the application, notwithstanding the new designation of additional ancient woodland adjacent to the application site.
<b>Open Space:</b>	Accepts the central village green concept. In addition a children's play area will need to be provided and wish to see a link between the site and the Council owned land to the west of the site. Obtain a commuted sum via a s106 obligation.
<b>Waste Management:</b>	No objections but note that future adoption of the roads must take into account waste collection. Conditions recommended.
<b>Environment Agency:</b>	Do not wish to be consulted –standard standing advice applies.
<b>Housing:</b>	Notes that the applicant is content to enter into a s106 obligation to secure the 40% affordable housing required, with 70% required for social rent and 30% for shared equity. Minimum house space standards need to be applied. No objections on this basis.
<b>Emergency Planning:</b>	No objections.
<b>Thames Water:</b>	No objections on the basis that surface water drainage will not flow into the TW system. No objections regarding waste water infrastructure. Water supply network—condition recommended.
<b>Lead Local Flood Authority:</b>	Sought clarification that drainage connections off site can be achieved. Now been clarified –conditional permission recommended.
<b>MOD Defence Infrastructure Organisation:</b>	No safeguarding objections.
<b>Trees:</b>	Recognises the surrounding constraints of the ancient woodland and the trees subject to a TPO. The development however respects these. Conditional permission is recommended.
<b>Natural England:</b>	<p>No comments to make. Standing advice should be referred to in regard to ancient woodland. Furthermore no objections to the amended plans.</p> <p>Subsequent amended/updated advice: ancient woodland adjacent the site has been amended in terms of boundaries which will/may have implications for the application as proposed. Council should take this into account in arriving at any planning decision.</p>

### ***Public representations***

- 4.2 Representations have been received from 30 contributors, all of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Concern regarding new pedestrian and cycle access via Coltsfoot Close (as proposed in the amended plans).
- Concern regarding impact on local schools and infrastructure.
- Concerns about rise in local traffic flows and local road safety.
- Concerns about impact on ecology and trees –in particular ancient woodland.
- Noise during construction impact.
- Are the new houses needed?
- Loss of a greenfield site.
- Visual impact.
- Coltsfoot Close is a cul-de-sac, not a throughway.
- Alternative location for footway promoted.
- Density of scheme too high / fewer dwellings should be sought.
- Reduce the buffer between the villages of Burghfield Common and the village to the east.
- Disagree with the Council allocation in the Local Plan for additional housing at this location.

4.4 It appears that many objections are mistakenly based on the premise that the amended plans sought a new vehicle access via Coltsfoot Close. This is not the case. The proposal is for pedestrian and cycle access only.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies GS1, HSA15, C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Burghfield Village Design Statement (2011)

## **6. Appraisal**

6.1 The main issues for consideration include:

- The principle of development
- Access and highways impacts

- Landscape and visual impacts
- Ecological impacts
- Other matters
- Planning balance

### ***Principle of development***

- 6.2 According to Core Strategy Policy CS1, new homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy (Policies ADPP1-ADPP6), and primarily developed on land allocated for residential development in development plan documents (including the HSA DPD). The application site is located within the settlement boundary of Burghfield Common, which is defined as a Rural Service Centre by Policy ADPP1. Policy ADPP6 states (in bullet point 2 of the Housing section) for the East Kennet Valley, in which the application site lies, that the two rural service centres of Mortimer and Burghfield Common will be the focus for new housing in the area, largely as small extensions to the existing settlements.
- 6.3 Policy C1 of the HSA DPD provides a presumption in favour of development within the settlement boundary of Burghfield Common with respect to new housing. Policy HSA15 is the allocation policy for the site which gives a number of parameters.
- 6.4 Policy GS1 of the HSA DPD is an overarching general site policy which applies to all of the housing site allocations. It provides that each site must be masterplanned, and it is clear that the applicants and their professional agents have produced an indicative scheme which provides some confidence that an attractive development can be achieved at a later stage. It also expects that external cycling and pedestrian routes should be achieved, linking the site to other facilities and services elsewhere. In addition, the development should be accompanied by a landscape and visual impact assessment, along with the assurance that no adverse impacts upon ecology and local habitats is ensured.
- 6.5 It is considered that the proposal complies with the relevant parameters. In accordance with the policy requirements the applicant has submitted a contaminated land assessment, an archaeological study, a noise and air quality assessment, a transport impact statement, and flood risk assessment. Following due consideration of this supporting documentation, no fundamental or technical objections to this outline application have been identified.
- 6.6 Overall, it is considered that the development of the site is in accordance with the above housing supply policies in principle.
- 6.7 Core Strategy Policy CS4 relates to housing type and mix, wherein areas outside of town centres, densities should normally be between 30-50 dph as with this proposal which proposes 38 dph. Whilst it is not a matter which the Committee may determine at this stage, the Authority will seek to ensure at the reserved matters stage appropriate mixes and types of housing so as to accord with not only local needs but also the surrounding character of the area.
- 6.8 Core Strategy Policy CS6 provides that for applications in excess of 15 dwellings, on greenfield sites, a minimum of 40% of the units shall be affordable dwellings. The proposals comply with this figure.

### ***Access and highway impacts***

- 6.9 As mentioned above the application is made in outline with details of access to be considered at this stage. To be clear, this not only involves vehicular access, but also

pedestrian and cycle access. However, the precise layout of parking for individual dwellings would fall to be considered at reserved matters stage. In the submitted Transport Assessment it is noted that the projected increased traffic flows during the AM and PM weekday peaks onto Clayhill Road would be 47 trips. This is not expected to harm local road safety, and the net impact on the local road network will not be severe as is the test set out in the NPPF for applications to be rejected.

- 6.10 The original plans showed only one vehicular access onto Clayhill Road, with an alternative emergency access to the north-east. The Council's highways officer requested an additional vehicular access to ensure the free flow of vehicles, even during peak periods. There were some concerns from both the applicant's agent and the Parish Council, that this would not be safe given the visibility available to the east due to the drop in levels, towards Burghfield Village. An independent road safety audit was specifically commissioned by the applicant and this concluded that no road safety issues would arise. Accordingly this was amended to meet the highways officer's request. The highways officer is now recommending conditional permission on the scheme.
- 6.11 There has been considerable debate and negotiation with the officers and the applicant's agent about the creation of a new footpath and cycleway link between the application site and Coltsfoot Close to the south west. The original application simply set out an aspiration for this to be achieved at a later date, but since the application is now for matters of access to be agreed, this is the appropriate time to do so. This is important in the view of the officer; not only does policy HSA15 specifically set out this requirement, but also for the future occupants of 100 dwellings a link to the village centre will certainly be beneficial in both sustainability and permeability terms as encouraged in the NPPF. The Council owns the land immediately to the west to the highway, so no ransom strip situation can prevail. The applicants have agreed to fund the construction of the footway/cycleway by the sum of £4000 which will be secured under the s106 obligation. The red line of the application site has also been amended so that the creation of the footway can be conditioned. The potential impact on the woodland is examined below in relation to the ecological impacts.

### ***Landscape and visual impacts***

- 6.12 The application site comprises an area of open pasture on a small plateau leading down to Burghfield Village to the north east. It has no national or statutory designation such as an AONB. The site lies within the Thames Basin Heaths National Character Area [NCA129]. The local landscape setting is described as Woodland and Heathland Mosaic, specifically surrounding Burghfield parish. The applicant's landscape visual impact appraisal has concluded the following about the site and proposal. The landscape is described as being "intimate" with strong visual connections to the north east, but is visually contained by the woodlands to the north and south, and by the existing housing to the west. The principal local landscape features are a shallow valley basin, rural woods, and distant farmsteads. The principal receptors are described as being local occupants of housing nearby, users of the local public right of way network, and drivers and other users along Clayhill Road. Officers agree with this assessment.
- 6.13 The proposed development would change the character and appearance of the site significantly with the introduction of a housing development. This level of impact has been deemed acceptable (in balance with the benefits of the development in this location) through the allocation of the land as a housing site.
- 6.14 The site will be well screened visually from three directions/vistas but will remain open to views from the north east: the present boundary on site is very weak, on this perimeter. Accordingly it is considered that in any future reserved matters application it is imperative that a strong landscaped buffer be provided on the north east boundary in order to filter views of the housing the housing in the future and to soften the future

visual gateway into the village along Clayhill Road from the east. Similarly a strong buffer should be laid out adjacent the Clayhill Road boundary, where visibility splays allow. It will be necessary to minimise any landscape and visual such impacts at the reserved matters stage when the detailed design is prepared, including landscaping.

- 6.15 Core Strategy Policy CS19 sets out the local policies on landscape conservation. Criterion (b) of this policy seeks to ensure that new development is appropriate in terms of location, scale and design in the context of any existing settlement form, pattern, and character. It is clear that this application, if approved, will simply extend the built form of the settlement to the north east, with some degree of harm to the local area. This visual harm is outweighed however by the need for additional housing to be provided in the District in sustainable locations such as this. Importantly, however, the scale and character of development is capable of respecting adjoining existing development. In this context, it is considered that policy CS19 is satisfied.

### ***Ecological impacts***

- 6.16 A significant proportion of Pondhouse Copse adjacent to the site is ancient woodland (woodland that has existed since 1600AD), which attracts a high level of protection under paragraph 175(c) of the NPPF. A number of the additional objections received in response to the amended plans (22 in total following the original 7 objections) identified specific concerns about the intention of the Council to approve the application with the new footpath/cycleway link noted above. This would pass through a small section of woodland from Pondhouse Copse, and which during the course of the application has now been identified as additional ancient woodland. The supporting arboricultural information identifies this area as comprising predominantly category B trees.
- 6.17 Officers consider that the minimal loss of this section of woodland is outweighed by the substantial future public benefit of allowing easy access between the two sites, which is specifically encouraged in the NPPF. Paragraph 91(a) in particular promotes social interaction, for example through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods. Paragraph 91(c) continues by seeking to enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs, to access local shops allotments and layouts that encourage walking and cycling (paraphrased). It is also a well-established principle of good design that developments are well connected to their surroundings and provide a “permeable” pedestrian and cycle layout that encourages sustainable modes of transport. Such principles of good design attract significant weight.
- 6.18 It is recognised in the community consultation document provided by the applicant that in order to address concerns from some local residents the proposed footpath link was originally removed from the plans. This has of course since been amended at the request of officers, as it is a policy requirement and important design aspect of the proposal in considering the needs of future residents. It is not considered that the new link would have a material adverse effect on existing local amenity for existing residents.
- 6.19 Natural England (NE) are a statutory consultee for ecological matters on planning applications. They were consulted initially about the proximity of the ancient woodland to the site in the plan-making process when the site was being considered for allocation. No objections were raised then subject to the minimum buffer zones being approved (15m from the woodland boundary) in any new scheme, which is a requirement policy HSA15. During the course of this application, NE raised no specific comments on either the original plans or the amended plans, simply noting that standing advice on the continuing protection of adjacent ancient woodland needs to be taken into account.
- 6.20 However, following additional survey information sent to NE about the ecological value and status of Pondhouse Copse, they have very recently informed the Council that it is

their future intention to extend the designation of the ancient woodland of Pondhouse Copse. This extension now includes the proposed pedestrian/cycle link.

- 6.21 Paragraph 174 of the NPPF notes that when determining planning applications, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.22 It is noted that, even with the amended boundary of the ancient woodland depicted by NE, a 15m buffer will still remain between the boundary and the development itself. The submitted plan on the agenda shows this clearly. Parts of the buffer include retained (non-ancient) woodland on the periphery of Pondhouse Copse. It is also acknowledged that although the proposed SUDs features are to be located in this buffer strip, this can be accommodated outside the root protection areas of the trees. Accordingly, officers consider that the amended boundary has few implications for additional biodiversity impact on the ancient woodland. In addition, the minimal loss of the woodland identified for the new link is justified in the light of the clear future community benefit arising from this new connection. The case officer has examined the potential site location of the new cycle way/footway and is satisfied in consultation with the Council's tree officer that the link can be provided with minimal impact. Conditions will be applied to ensure that the nature of the surface of the link will be suitable to protect the roots of any adjacent trees, this avoiding material harm to the ancient woodland.
- 6.23 The application is accompanied by the necessary ecological assessments which does not identify any other significant ecological constraints, subject to orthodox mitigation and enhancement measures.

### ***Other matters***

- 6.24 A number of other matters have been considered during the consideration of this application, including those raised by interested parties.
- 6.25 One of the concerns relates to the whole principle and scale of the allocation. The scale and location of the development has already been accepted in principle by the Council through the allocation of the site under the HSA DPD. This followed the plan-making process, including public consultation with all the relevant stakeholders. The compliance with the resultant allocation attracts substantial weight in favour of granting planning permission.
- 6.26 Other concerns relate to increased traffic generation but this scale of development was considered through the plan-making process, and no technical highways objections have been identified.
- 6.27 Many of the representations raise concerns about the impact on local infrastructure, facilities and schools. The open market element of the development (60 dwellings) would be CIL liable, which will be a considerable sum towards infrastructure improvements. Together with other CIL receipts this will assist in the mitigation of the impact of the new occupants on such facilities. In addition the Education service has confirmed that no additional funding is required through a s106 obligation.
- 6.28 Further concerns relate to the reduction in the "gap" between the Burghfield Common settlement and Burghfield Village. This will of course result from the scheme, but again the principle of this on this particular site has been accepted through the HSA DPD.
- 6.29 Finally objectors wish to see fewer dwellings being permitted on the site. The proposed density circa 38 dph is well within acceptable acknowledged criteria set out in the NPPF and local policies to make efficient use of land, but also respects the local character of

the area. To permit fewer dwellings would be making less efficient use of a greenfield site, a highly valuable resource for obvious reasons.

## **7. Planning Balance and Conclusion**

- 7.1 All planning authorities are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. In addition, the NPPF seeks to significantly boost the supply of homes through a plan-led approach. The provision of 100 dwellings, 40 of which would be affordable is a significant public benefit in the balance. This site has been allocated for this scale of development, following comprehensive assessment against reasonable alternatives at a district level and within the East Kennet Valley. The outline proposal complies with the housing supply policies and this attracts substantial weight in favour of granting planning permission.
- 7.2 The loss of the current greenfield site is an adverse effect of the development, but this has already been considered through the plan-making process. The proposed parameters of the development under this application do not raise significant concerns that would outweigh the policy presumption in favour of development.
- 7.3 There would be some environmental disadvantages, including temporary disruption to local amenity during the construction phase, and an increase in local traffic flows. However, the ecological impacts can be mitigated, and overall net gains in biodiversity are capable of being achieved. There would be some economic benefits, common with any housing site, which also are a public benefit.
- 7.4 Overall it is considered that the public benefits of the proposed housing in this location attract substantial weight in the planning balance, and that the residual adverse impacts would not outweigh the benefits. As such, it is concluded that planning permission should be granted.

## **8. Full Recommendation**

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed within three months from the date of the committee resolution (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

### ***Conditions***

- 1. **Reserved matters**  
Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approval of reserved matters**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. **Reserved matters time limit**

The development to which this permission relates shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. **Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 6027B/01C, 12A, 03C, and 02C; drawing numbers 60555664.001 Rev A, and 002 Rev A (all received on the 24th June 2019); and drawing number 6027/B14 (received on the 5th September 2019).

Reason: For the avoidance of doubt and in the interests of proper planning.

5. **Layout and design standards**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design shall be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. **Details of accesses**

No development shall take place until details of the two accesses into the site from Clayhill Road have been submitted to and approved in writing by the Local Planning Authority. This shall include pedestrian routes with crossing points over Clayhill Road consisting of dropped kerbs and tactile paving. No dwelling served by the relevant access shall be first occupied until that access has been provided in accordance with the approved details.

Reason: In the interest of road safety to ensure safe and suitable access for all to the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because safe and suitable access must be provided early to avoid adverse impacts on highways safety.

7. **Footpath/cycle link to Coltsfoot Close**

No development shall take place until details of a 2.5 metre wide footway / cycleway to be constructed to the south-west from the application site into Coltsfoot Close have been submitted to and approved in writing by the Local Planning Authority. No more than 10 dwellings shall be first occupied until the footway/cycleway has been

provided in accordance with the approved details and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies GS1 and HSA15 of the Housing Site Allocations DPD (2006-2026). A pre-commencement condition is required because this access must be provided early to provide suitable pedestrian and cycle access to the site.

**8. Archaeology**

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because any development may have an impact on archaeological interests.

**9. Sustainable drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- j) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a

- 150mm freeboard above maximum design water level; and
- k) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.

No dwelling shall be first occupied until the sustainable drainage measures shall be provided in accordance with the approved details. Thereafter the sustainable drainage measures shall be maintained and managed in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), the Sustainable Drainage Systems SPD (2018), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because sustainable drainage measures are likely to require implementation early in the construction process.

**10. Construction Environmental Management Plan**

No development shall commence until a Construction Environmental Management Plan has been submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details. As a minimum the plan shall provide for:

- a) Phasing of construction
- b) Temporary construction site access including visibility splays
- c) The parking of vehicles of site operatives and visitors
- d) Loading and unloading of plant and materials
- e) Storage of plant and materials used in constructing the development
- f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- g) Wheel washing facilities
- h) Temporary construction lighting
- i) Types of any piling rigs and earth moving machinery
- j) Measures to control the emission of dust and dirt during construction
- k) A scheme for recycling/disposing of waste resulting from demolition and construction works
- l) Lorry routing
- m) Delivery times to avoid conflicts with the opening and closing times of local schools

Reason: To ensure the proper management of the environmental effects of the development during the construction phase. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14, CS17 and CS18 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CEMP is required to be adhered to during construction.

**11. Tree protection**

No development (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and

retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

**12. Root protection areas**

No development (including site clearance and any other preparatory works) shall take place until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

**13. Arboricultural method statement**

No development (including site clearance and any other preparatory works) shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority which shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

**14. Arboricultural watching brief**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is

necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

**15. Piling**

No piling shall take place unless a piling method statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The method statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. No piling shall take place except in accordance with the approved details.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy (2006-2026).

**16. Visibility splays**

No development shall take place until details of vehicular visibility splays onto Clayhill Road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the visibility splays have been provided in accordance with the approved details. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. A pre-condition is required because changes are required to the proposed access details, and therefore the associated visibility splays will also need prior approval. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because safe access must be provided early in the construction process.

**17. Phased occupation and water supply**

No dwelling shall be occupied until confirmation has been provided that either:

- a) all water network upgrades required to accommodate the additional flows from the development have been completed; or
- b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy (2006-2026).

**18. Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours:  
7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

***Ecology conditions will be provided on the update report***

### ***Heads of Terms for Section 106 Agreement***

1. **Affordable housing**
  - 40% on-site affordable housing
  - 70:30 tenure split between social rented and intermediate
2. **Public open space**
  - Provision and transfer of public open space
  - Commuted sum of £22,000 towards the future maintenance of public open space.
3. **Pedestrian/cycle link**
  - Contribution of £4000 towards the construction of a new off-site footpath link into Coltsfoot Close.

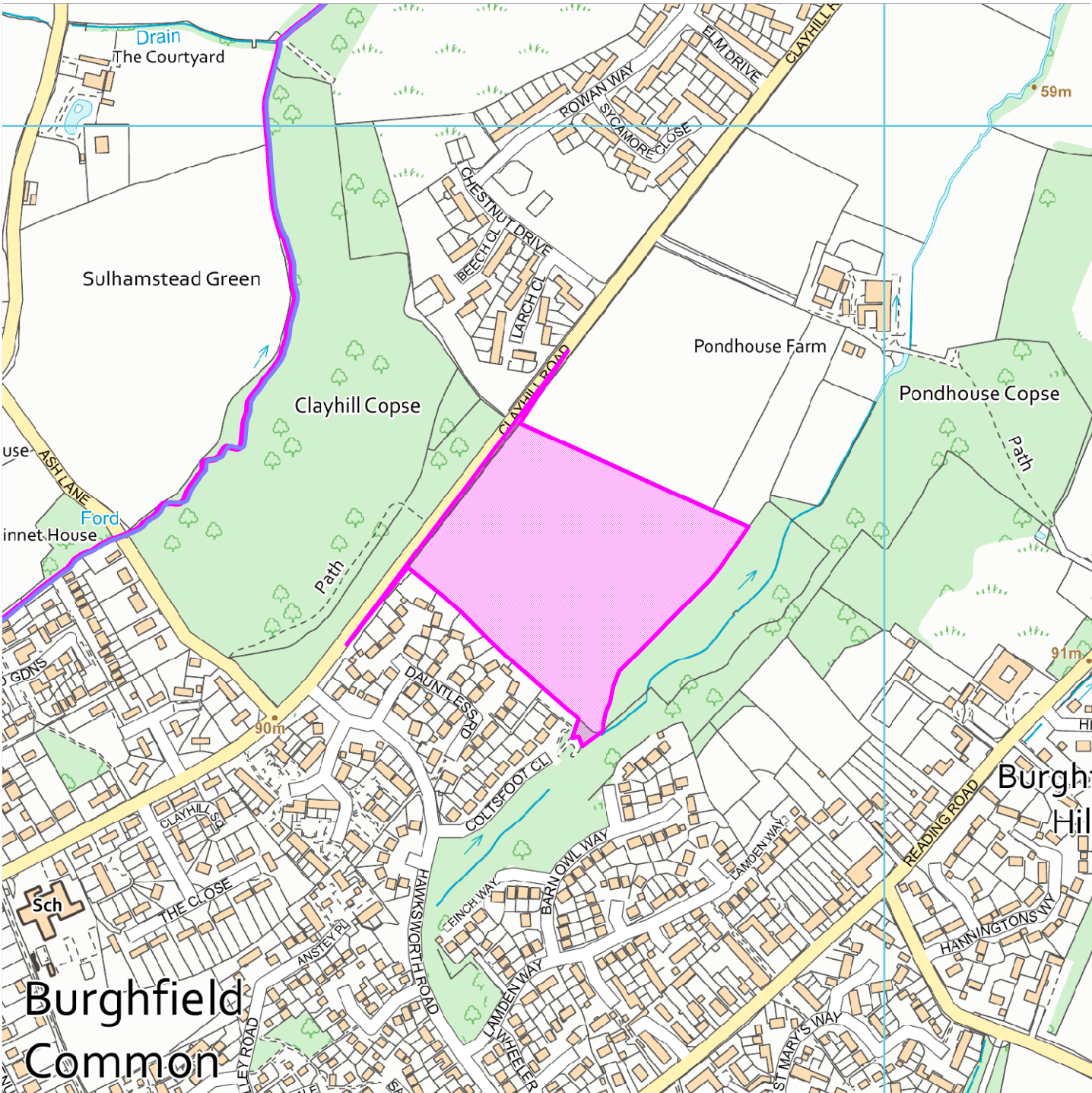
### ***Refusal Reasons***

1. **Planning obligation**

The application fails to provide a Section 106 planning obligation to deliver necessary infrastructure and mitigation measures, including:

  - a) 40% on-site affordable housing (70:30 tenure split between social rented and intermediate), without which the proposal would be contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.
  - b) Provision, transfer and commuted sum for the maintenance of public open space within the development, without which the development would be contrary to the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy 2006-2026, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Council's adopted Planning Obligations SPD.
  - c) A contribution of £4000 towards the provision of a new pedestrian/cycle access from the site to Coltsfoot Close, without which the development would be contrary to the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA15 of the Housing Site Allocations DPD 2006-2026, and the Council's adopted Quality Design SPD and Planning Obligations SPD.

Land North of Dauntless Road and South of Pondhouse Farm, Clayhill Road

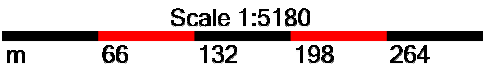


Map Centre Coordinates :

Scale : 1:5180

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	05 September 2019
SLA Number	0100024151

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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	18/03209/FULEXT  Theale Parish Council	30 <sup>th</sup> November 2018 <sup>1</sup>	Demolition of existing building and construction of 15 dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.  19 and 19A High Street, Theale  TA Fisher Developments Ltd
<sup>1</sup> Extension of time agreed with applicant until 19 <sup>th</sup> September 2019			

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03209/FULEXT>

**Recommendation Summary:** Delegated to the Head of Development and Planning to grant planning permission subject to the completion of a section 106 agreement.

**Ward Member(s):** Councillor Alan Macro

**Reason for Committee Determination:** More than 10 objections received.

**Committee Site Visit:** 11<sup>th</sup> September 2019

## Contact Officer Details

**Name:** Lydia Mather  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Lydia.Mather@westberks.gov.uk

## 1. Introduction

- 1.1 The planning constraints of the site are: it is within the settlement of Theale; part of the site covering most of the existing building is within a Conservation Area; the location along the High Street is within the primary shopping frontage; the whole site (except the access) is within the town centre commercial area; it is in an area of potential archaeological interest; and there is a tree preservation order to the far west of the site to the rear of No. 17 High Street.
- 1.2 This application seeks planning permission to demolish the existing building which fronts the High Street and was used as offices, and construct a building fronting the High Street comprising 2 retail units at ground floor level with 3 flats above. Within the existing open tarmac area to the rear of the existing building to construct a building comprising 12 flats. Of the total 15 flats there would be 12x 1 bedroom and 3x 2 bedroom. Vehicle access would be via an existing single carriageway off Crown Lane to the west of the site.
- 1.3 The proposed retail building would be 8.5m in height to the highest point of the front facing gable, and 8.2m in height of the main room, with a lower section to the west of 7.2m. The rear gable end would be 7.9m, and the single storey flat roof which would provide a terrace would be 3m.
- 1.4 The retail building would be the full width of the plot fronting the highway with a pedestrian access through to the courtyard at the rear of the site. The depth of the building would be 22.4m, 17.6m of which is of two storey height. The materials are generally proposed to be facing brick, tile hanging to the front gable and plain clay tile roof. At first floor level there would be 2x 1 bedroom flats and a 1x 2 bedroom flat.
- 1.5 The proposed residential block of flats proposed towards the rear of the site would be 27m across by up to 22.5m deep. There would be 3x 1 bedroom flats at ground floor level, 5 flats at first floor level - 3x 1 bedroom and 2x 2 bedroom, and 4x 1 bedroom flats at second floor level.
- 1.6 The form of this building is quite complicated with dual pitched roofs in the centre and flat roofs to either side, with lower protruding sections with gable ends. The centre of the ground floor would be open to provide vehicle access to the rear of the retail building.
- 1.7 The heights of the residential building would be: for the 3 storey elements up to 11.2m of the dual pitched roofs, and 9.1m of the highest flat roof element; for the 2 storey elements just over 7m to the central pitched roof, and protruding gables towards the retail building, and 6.8m to the lowest flat roof section. The materials proposed are similar to that of the retail building with the addition of some render to walls of the flat roof sections.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision Date /
18/00823/FULEXT	Demolition of existing building and construction of 17 dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.	Withdrawn 2018

17/00581/PACOU	Prior approval of change of use from offices (use class B1) to 10 residential dwellings.	Approved 2017
118437	Demolition of lock up garage and erection of new office building.	Approved 1983
117323	Change of use of first floor flat and ground floor shop to offices, extension and refurbishment to ground and first floor, demolition of rear store.	Approved 1982
112155	Demolition of existing outbuildings and construction of new store incorporating same area for removals storage purposes.	Approved 1980
112127	Demolition of shed east of shop, erection of 2 storey brick and tile hung structure to match west side of shop and containing ground floor office and first floor self contained unit.	Approved 1991
112126	Demolition of existing shed to east of existing shop, erection of new office ground floor and flat first floor, existing shop adjacent refurbished as self contained unit.	Approved 1980
107712	Extension and alteration to residential use.	Approved 1978
103067	Close retail shop during improvements.	Refused 1975

### 3. Procedural Matters

- 3.1 The proposed development and constraints of the site are such that screening is not required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice. The deadline for representations expired on 7<sup>th</sup> February 2019. The application was also publicised in the Reading Chronicle on 20<sup>th</sup> December 2018.
- 3.3 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations new dwellings are liable for CIL.

### 4. Consultation

#### ***Statutory and non-statutory consultation***

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Theale Parish</b>	Objection. Summary of matters of objection:
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<b>Council:</b>	<ul style="list-style-type: none"> <li>• loss of historic building fronting high street, impact on No. 17 it is attached to and impact on views from Conservation Area of proposed building at the rear of the site;</li> <li>• impact on amenity from overlooking and loss of light to neighbouring properties;</li> <li>• insufficient parking and dispute number of anticipated vehicle trips;</li> <li>• lack of affordable housing provision;</li> <li>• inadequate amenity space and little landscaping proposed and ownership of tree identified as T7 questioned;</li> <li>• use of management company to put bins out for collection and obstruction from bins to pedestrians using High Street;</li> <li>• narrow and impractical proposed access off Crown Lane.</li> </ul>
<b>Thames Water:</b>	No objection. Informative recommended on water pressure.
<b>Royal Berkshire Fire and Rescue Service:</b>	No objection. Comments on opening for emergency access should be at least 3.1m, and recommend consideration of installation of domestic sprinklers.
<b>Natural England:</b>	No comments to make; follow their standing advice.
<b>Highways:</b>	<p>Initial comments:</p> <ul style="list-style-type: none"> <li>• swept paths for fire emergency access are required;</li> <li>• confirmation sought that delivery vehicles can pass under the first floor of the proposed flats;</li> <li>• the turning area must be marked out as 'no parking, turning only';</li> <li>• further information sought on how deliveries will be made to the retail element.</li> </ul> <p>No objection subject to conditions following receipt of amended plans and additional information.</p>
<b>Waste Management:</b>	No objection subject to condition on securing bin storage. Comments on concern of use of management company to move bins weekly to collection point returned to the storage area when emptied, that commercial waste of the retail units to be stored separately, and that options for waste management are limited in this location.
<b>Tree Officer:</b>	No objection subject to conditions on tree protection and landscaping.
<b>Archaeology:</b>	No objection subject to conditions on building recording and archaeological investigation. Comments on the historic interest of the building.
<b>Environmental Health:</b>	No objection subject to conditions on unforeseen land contamination, measures to minimise odour, measures to minimise noise during and after construction, measures to minimise dust during construction, and hours of work during

	construction.
<b>Conservation:</b>	No objection to loss of existing building or impact of proposed building on Conservation Area.
<b>Lead Local Flood Authority:</b>	No objection subject to condition for details of sustainable drainage measures to be submitted.
<b>Housing:</b>	Policy requirement is for 5 units of affordable housing to be provided on site.

### ***Public representations***

4.2 Representations have been received from 21 contributors, all of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Minimal changes to proposal since previous submission;
- Proposal to rear of the High Street poor quality design;
- Loss of heritage asset fronting High Street;
- Overly high density of proposed dwellings and overly dominant 3 storey building;
- Lack of ecological survey;
- Loss of light to neighbouring properties from overshadowing;
- External lighting not to impact neighbouring properties;
- Overlooking and/or perception of overlooking and loss of privacy, including from balconies;
- Noise impacts of development and vehicles on neighbours;
- Lack of space for retail deliveries, customers and staff parking;
- Exit from the access, which is un-adopted highway is dangerous;
- Narrow access road with no passing spaces for cars;
- Additional traffic generation;
- Lack of adequate access for fire emergency vehicle;
- Covenants on access;
- Loss of view from Falcon pub garden;
- No pavement along access;
- Question need for flats.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies NPPF, ADPP1, ADPP4, CS1, CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

- Policies HSG.13, TRANS.1, OVS.5, OVS.6, OVS.7 and OVS.8 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DfT Manual for Streets
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)

## 6. Appraisal

### *Principle of development*

- 6.1 The spatial strategy and settlement hierarchy for development in the District is set out in Core Strategy policy ADPP1. It directs development to within the settlements of the hierarchy and Theale is listed as a rural service centre.
- 6.2 With regard to the proposal for residential development, policy ADPP3 in identifying a broad location for housing includes Theale and allows for infill development in this part of the district. Policy CS1 of the Core Strategy states that new homes will be developed suitable previously developed or other land within settlement boundaries. Policy C1 of the Housing Site Allocations DPD has a presumption in favour of housing development within the boundaries of the listed settlements which includes Theale. It is therefore considered that the principle of housing in this location is established under the development plan policies.
- 6.3 In terms of the proposed two retail units policy ADPP3 seeks to protect and enhance the retail and service offer in Theale. Policy CS11 of the Core Strategy lists Theale as a district centre in the hierarchy of centres. The policy allows for retail regeneration and qualitative improvements as well as including district centres when directing main town centre uses identified in the National Planning Policy Framework (NPPF) to certain types of settlements. The current NPPF includes retail, leisure, office and arts uses in its definition of town centre uses.
- 6.4 Policies SHOP.1 and ECON.5 of the saved Local Plan encourage retail within primary shopping frontages such as that at Theale. It is therefore considered that the principle of retail in this location is established under the development plan policies.

### *Housing mix, density and affordable housing*

- 6.5 Policy CS4 expects residential development to contribute to delivering a mix of dwelling types and sizes to meet the needs of community having regard to the area, its accessibility and evidence of housing need. The proposal is for solely market housing of 12x 1 bedroom and 3x 2 bedroom flats.
- 6.6 The Council's Housing Development Officer was consulted on the proposal but did not comment on the mix of the proposed market housing. Taking the Strategic Housing Market Assessment (SHMA) the recommended housing mix within the Western Berkshire Housing Market Area (of which Theale is a part) is for 5-10% 1 bedroom, 25-30% 2 bedroom, 40-45% 3 bedroom and 20-25% 4 bedroom. The proposal, in being

primarily for 1 bedroom units, would provide units of a size identified by the SHMA as having the least market need.

- 6.7 Policy CS4 also requires development to make efficient use of land with greater intensity of development at places with good public transport nodes. Close to such nodes density above 50 dwellings per hectare may be achievable. Otherwise density is to be predominantly between 30-50 dwellings per hectare of family size housing.
- 6.8 15 units are proposed with a stated size area of 0.16 hectares. Whilst this is likely to include the access lane a simple calculation is that the density would be 93.75 dwellings per hectare (15 units divided by 0.16 hectares). Theale as a rural service centre has public transport provision with buses and a railway station linking to Newbury, Reading and London. Given the public transport infrastructure in Theale a higher than 50 dwellings per hectare density could be justifiable under policy CS4, although the proposal would be approximately 87% above this.
- 6.9 There is an existing permission to convert the existing building under permitted development rights having obtained prior approval for 10 flats which would be a density of approximately 62.5 dwellings per hectare. The conversion does not include any retail floor space within the primary shopping frontage.
- 6.10 In accordance with policy CS6 of the Core Strategy the Housing Development Officer advised that 5 units would be required on site for affordable housing. The application included the submission of a viability report outlining that the scheme was not sufficiently financially viable to be able to provide any affordable housing either on site or as a commuted sum. The viability report was subject to an appraisal by a third party. Their initial findings were that there was scope for some affordable housing to be provided.
- 6.11 Discussions were held between the parties regarding the areas of disagreement including the assumptions and inputs into the financial viability. This has resulted in the third party acting on behalf of the Council recommending that a commuted sum be accepted. The sum is £50,000. It is short of the calculation within the Supplementary Planning Document on Planning Obligations for a single affordable housing unit by £70,000. This will entail the Council needing to pool the commuted sum towards a future affordable housing unit.
- 6.12 The commuted sum is to be secured by a legal agreement. The applicant would accept a clause in the legal agreement to provide up to a further £70,000 as a commuted sum towards affordable housing in the event that the development generates sufficient profit. A legal agreement is being drawn up on the above basis.
- 6.13 There are issues with the proposal in terms of the housing mix, density and lack of affordable housing. However, the third party acting on behalf of the Council has recommended the acceptance of the commuted sum and requirements of policy CS6 on affordable housing are subject to the economics of provision. Furthermore, there is scope in policy CS4 for a density greater than 50 dwellings per hectare with no upper limit in areas close to public transport nodes. The mix of housing is subject to other criteria in addition to identified need under policy CS4 such as the accessibility of the location in terms of services and infrastructure of which Theale is reasonable well served.

### ***Design and impact on character and appearance of the conservation area***

- 6.14 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.

- 6.15 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.
- 6.16 Policy CS 19 relates to the historic environment including conservation areas, and seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.17 The Council's Archaeologist was consulted on the application. They advise that whilst the building is not listed it is considered of historic interest and recommend a building recording condition. They also consider the site to have potential archaeological remains due to Theale having been documented from the 13th century and listed buildings within the High Street dating from the 17th century. As such an archaeological investigation condition is recommended. With these conditions the archaeological and historic interest of the building to be demolished is considered acceptable under policy CS19 and the NPPF.
- 6.18 The Council's Conservation Officer was consulted on the application due to the majority of the existing building being within the conservation area. They advise their main concern was the impact on the street scene within the conservation area of the proposed building fronting the High Street. Their comments are that the existing character of this part of the conservation area frontage, whilst varied, has a domestic, almost cottage like appearance, with separate traditional shop fronts at ground floor level. The existing building is also set down from its neighbours at eaves and ridge level, filling the width of the plot, and with an attractive central jettied gable feature adding interest. This character is considered to have been successfully maintained in the current application. On this basis no objection has therefore been raised by the loss of the building within the conservation area.
- 6.19 The National Planning Policy Framework states that local planning authorities should take steps to ensure new development proceeds after the demolition/loss of a heritage asset. Therefore a condition is to be applied that a valid contract for the demolition and rebuilding of the building fronting the High Street be provided to ensure the new building fronting the High Street is built immediately following demolition.
- 6.20 The Conservation Officer has considered the design and impact of the proposal on the character of the area and conservation area, in particular commenting on the building to replace that existing. With regard to the separate residential building they did not comment or raise any objections to its design or impact on the setting of the conservation area, although many of the third party objections do object on these grounds.
- 6.21 The residential building is greater in height than the retail building. However, due to the set back and being behind the retail building it would not be evident in the street scene of the High Street due to the angle of vision. The residential building would be visible and block existing views through the conservation area along the back of the buildings along the High Street towards the rear of properties on Crown Lane. These views obscured by the proposed building would primarily be from private property with the exception of from the end of Woodfield Way.
- 6.22 On balance the design and impact of the proposed residential building is considered acceptable. It has not been designed to respond to the residential development to the north which is of detached and semi-detached properties of two storey heights. Instead it is informed more by the more modern design of Theale Court to the west and by its

use of render and flat roofs. The variation in form and roof is also not uncommon on the buildings to the rear of the High Street.

### ***Amenity***

- 6.23 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space. The saved OVS policies of the Local Plan on noise and pollution are also applicable.
- 6.24 Environmental Health were consulted on the application. They note that the history of the site and area has included previous uses that could have caused land contamination. Due to the presence of existing kitchen extraction and air conditioning units on nearby buildings as well as potential new kitchen extract and/or air conditioning units to be installed on the proposed retail building conditions on noise and odour are recommended. The demolition of the existing building and construction of the proposed buildings is also likely to affect adjacent occupiers with regard to noise and dust and will require mitigation measures. Overall Environmental Health have no objections subject to the conditions identified.
- 6.25 Environmental Health did not comment on the hours of opening for the retail units, potential disturbance to neighbouring properties from external lighting, the latter of which has been raised by objectors. With regard to external lighting details can be secured by condition. In terms of the retail uses applied for these are use classes A1 - shops, A2 - financial/professional services, and A3 - restaurant/café. The potential impacts on the residents of the proposed flats above the retail units are likely to be greater for an A3 and to a lesser extent an A1 use which might have late opening hours. It is therefore considered that an hours of operation condition is recommended for any A1 or A3 use which may occupy either of the retail units.
- 6.26 The quality design SPD sets out the private amenity space for new dwellings. For flats of 1 or 2 bedrooms this is 25m<sup>2</sup> per unit to generally be provided as a communal area. For this proposal that would be a total of 375m<sup>2</sup>.
- 6.27 The proposed retail building would have a communal terrace amenity space at first floor level to the rear of the building. It would be approximately 51m<sup>2</sup> and accessible for the 3 flats in that building; a shortfall of 24m<sup>2</sup> for those units. Due to the proximity of less than 21m between the terrace and the first floor flats within the proposed residential block additional screening will be required to prevent direct overlooking from the terrace into those units. This can be secured by condition.
- 6.28 The ground floor flats within the residential block would have gardens. Flats 1 and 2 would have a shared garden of just under 80m<sup>2</sup>. Flat 3 would have an area of just under 70m<sup>2</sup>. There was an area of around 85m<sup>2</sup> to the rear of flat 1 and behind some of the car parking spaces which was not accessible to flat 1. This area could have provided some communal amenity space for other units. However, it was mostly lost by the need to move back 3 car parking spaces to provide a larger turning area within the site.
- 6.29 The five first floor flats would have balconies, two at 7m<sup>2</sup>, two at 13m<sup>2</sup>, and one at approximately 19m<sup>2</sup>. The 4 flats at second floor level would not have balconies.
- 6.30 Overall there is an under provision of amenity space of approximately 115m<sup>2</sup>, around 30% of the requirement under the supplementary guidance. This would have been 8% in the original scheme. It is accepted that there is an imbalance in the amount of space

per unit - in particular the lack of communal area for the 4 flats without a private garden or balcony.

- 6.31 Objections include matters of overlooking and loss of light. In terms of overlooking the Quality Design Supplementary Document states that directly facing windows should be at least 21m apart between habitable rooms. Starting with the north elevation of the proposed residential building No.12 to the north of the site would be 16.5 metres away from a first and second floor windows in flat 6 and flat 10. These windows serve habitable rooms, but are secondary windows (there being other windows in the west elevation). As such it is recommended that these windows be fitted with obscure glazing and fixed shut so that there is no direct overlooking.
- 6.32 The property of Starena to the north would be more than 20 metres from the closest part of the proposed residential building. The windows to the habitable rooms of flat 8 and 12 would be more than 30 metres away and the first floor balcony of flat 6 would be at least 25.5m away, in compliance with the supplementary guidance.
- 6.33 To the east the residential building would be just under 19m where it is directly to the first floor rear elevation of No. 77. There would be a first and a second floor window serving the access staircase for 5 flats. As the stairwell is not a habitable room this would not contravene the supplementary planning guidance as any overlooking would be transient. There are no other first or second floor windows in the east elevation of the proposed residential building, but there is a first floor balcony for flat 4 which would be both east and south facing. It would be more than 24.5m from No. 21 to the south and there are no buildings directly to the east of it.
- 6.34 On the west there are no windows serving habitable rooms. On the south elevation there are first and second floor windows towards No. 17 on the High Street. These are more than 21m from the closest first floor window in No. 17. The closest part of the balcony of flat 8 and the external staircase access for No. 17 are also more than 21m apart. Between the two proposed buildings the first and second floor windows are sufficiently set apart.
- 6.35 The balcony to the rear of the retail building would be approximately 14 metres from the residential building. Although it would not face the buildings of No. 17 or No. 21 High Street it would be set a few metres from each side boundary so might afford overlooking into the immediate rear areas of these buildings. As such it is considered that additional screening be provided to all sides of the terrace balcony which can be secured by condition.
- 6.36 The proposed retail building is not considered to result in any loss of daylight or overshadowing issues to the buildings either side where it is mainly alongside them. An estimate of the 25 degree calculation for the property of No. 12 to the north has been undertaken based on the Building Research Establishment guidelines for daylight. A 1m height for the front window of No. 12 has been used as the midpoint is not known. The buildings would be 16.5 metres apart, and the height of the proposed residential building closest to No. 12 is 9.1m. There is a 25 degrees angle from the window over the proposed building which indicates there would be sufficient daylight entering the ground floor front elevation windows of No. 12. The adjacent property of Starena would be further away from the proposed residential building and would also meet the 25 degree calculation. The property of No. 77 to the east has a ground floor rear extension which is reflected on the proposed site plan drawing. As it is further away from the residential building than No. 12 it would also meet the 25 degree calculation.
- 6.37 It is the case as raised by objections that the proposed residential block at three storeys in height will significantly change the outlook of a number of properties. It will also affect the extent of direct sunlight these properties receive at certain times of the day.

However, where it meets the guidance on separation distances and daylight it is not considered that the change in outlook would be detrimental to the extent it would be contrary to planning policies and guidance. Where there are some issues from the proposed balconies these can be mitigated by condition and are confined to within the proposed development.

### ***Highways, access and parking***

- 6.38 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways. Policy P1 of the Housing Site Allocations DPD outlines the parking provision required for residential development.
- 6.39 Highways were consulted on the application and required additional information/amended plans for swept paths of a fire appliance, height and width of the pass under the first floor of the proposed residential building for delivery vehicles, the turning area to be marked 'no parking', and information on the deliveries for the retail building.
- 6.40 There was concern about the narrowness of the access in terms of two vehicles being unable to pass. However, Highways are of the opinion that were the existing building to be brought back into its currently lawful office use the vehicle movements would be comparable to the proposed residential use. No parking provision is proposed for the retail units or use of the access for their deliveries. As such Highways are of the opinion a refusal on these grounds cannot be substantiated.
- 6.41 Access for emergency vehicles to the proposed residential building to the rear into the site is considered adequate. It is noted that multiple turning manoeuvres would be required to exit the site, but overall Highways consider the initial access is achieved and the exit is on balance sufficient.
- 6.42 With regard to the visibility splays either side of the access Highways noted that wider visibility splays cannot be provided and that visibility is reduced by parked cars along Crown Lane. However, as the access is existing and could be utilised under the existing use for offices to a comparable extent Highways consider that the visibility splays are acceptable.
- 6.43 The 15 car parking spaces provided for the proposed residential units complies with policy P1. That there is no provision on site for the retail element is considered acceptable by Highways on the basis it is a town centre location where employees may take public transport and there is access to public car parks. The proposed cycle storage is considered acceptable. Highways recommend conditions be applied for a construction method statement during the works, parking and cycle storage to be provided in accordance with the plans.
- 6.44 Objections include reference to the access lane not being within the ownership of the applicant. This is not a requirement for planning, only that correct notice be served on such land owner. The ownership certificate submitted with the application has been correctly undertaken where the owner of the access lane is not known. Furthermore, the issue raised regarding the covenant on the access/site with regard to weight restriction of vehicles is a civil matter and not a planning consideration. The covenant would need to be overcome separately from the planning application.
- 6.45 Waste Management have also been consulted on the application. They raise concerns about the use of a management company to move the residential bins to a collection point and return them once they have been emptied. This will need to be done by 7am on the day of collection or risk not being collected and would not be collected until the following week. However, they also note that the constraints of the site are such that

storing the bins for the residential element within 25 metres of the public highway so that they did not need to be moved is not possible. They have therefore requested a condition for the bin storage to be provided as submitted.

### ***Flooding and sustainable drainage***

- 6.46 The site size is less than 1 hectare, not in flood zones 2 or 3 and not in an area shown as at high risk from surface or groundwater flooding. The information submitted with the application has been assessed by the local flood authority who recommend a condition on sustainable drainage measures to be submitted in accordance with policy CS16 on flooding and the sustainable drainage supplementary document.

### ***Biodiversity***

- 6.47 A confidential ecological survey was submitted with the application. It notes that there are no designated habitats directly or indirectly affected by the proposal. No evidence of protected species was found within the existing building and the semi-mature ash tree of low roosting potential for bats and limited foraging opportunities for bats in the immediate surrounding area.
- 6.48 In order to enhance biodiversity on site and limit any impacts an area of tiling on the existing building shall be removed by hand as well as tree protection measures for retained and adjacent vegetation. Bird and bat boxes should be incorporated into the proposed buildings or landscaping. External lighting should minimise light spillage particularly where bird and bat boxes have been installed, and planting should be of native species or at least species of value to wildlife. These can be secured by conditions and meet the requirement of policy CS17 to provide biodiversity enhancements.

### ***Green infrastructure***

- 6.49 Policy CS 18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. The Tree Officer has been consulted on the proposal who assessed the submitted tree survey, tree protection plan and arboricultural method statement. The ash tree on site has conservation area restrictions on its removal and pruning but the tree preservation order was not confirmed and has therefore lapsed. The remaining trees are considered of low value, with those retained to be protected during construction and those to be removed mitigated with new planting. The Tree Officer therefore recommends conditions on tree protection measures to be secured and for a landscaping scheme to be submitted.

## **7. Planning Balance and Conclusion**

- 7.1 The proposed retail and residential development is acceptable in principle where it is within a defined settlement boundary and a district service centre. The main benefit would be the provision of retail within the primary shopping frontage in the High Street. The market housing, whilst a benefit in terms of overall housing provision is limited by it providing housing of a size that is least required under the strategic housing market assessment. The scheme has been shown not to be sufficiently viable to provide affordable housing on site and the benefit of the commuted sum is limited by needing to be pooled with other amounts to be able to provide a unit. There would be biodiversity enhancements secured as part of the proposal and a larger area of landscaping from the proposed gardens.
- 7.2 The drawbacks are considered as follows: the existing access has limited visibility splays and is single carriageway; the proposed residential building will impact on some

neighbouring amenity in terms of outlook and be visible from further beyond the site due to height; the loss of a building of some historical interest in the conservation area; the shortfall in communal amenity space; and the need for management of the residential refuse in order for it to be capable of being collected.

- 7.3 Overall, the benefits and drawbacks of the proposal are considered finely balanced. The drawbacks would nevertheless do not result in any significant policy conflicts as outlined in the previous sections. Therefore, having taken account of all the relevant policy considerations and other material considerations referred to above, it is considered that the application complies with the development plan and is recommended for conditional approval.
- 7.4 The National Planning Policy Framework is clear that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It is also clear that whether it is appropriate for the Local Planning Authority to impose a condition on a grant of planning permission will depend on the specifics of the case. A number of conditions have been identified: building recording; archaeological surveying; external materials; land contamination; odour; noise; hours of work; hours of operation for the retail units; dust; external lighting; tree protection; landscaping; balcony screening; refuse storage; construction method statement; parking; refuse storage; sustainable drainage; biodiversity enhancements; and that the retail building be construction shortly after the existing is demolished.

## **8. Full Recommendation**

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed within three months from the dates of the committee resolution (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

### ***Conditions***

1. **Commencement of development**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- 16-1075-1010-H Proposed site plan
- 16-1075-1006-A Elevations and sections sheet 2 of 2
- 16-1075-1005-D Floor plans and elevations retail building sheet 1 of 2
- 16-1075-1004-B Elevations for new apartments
- 16-1075-1003-B Floor and roof plan for new apartments sheet 2 of 2
- 16-1075-1002-D Floor plans for new apartments sheet 1 of 2

- 5591.006 Autotrack Swept Path Fire Tender Turning within Site
- Built Heritage Statement by CgMs Heritage ref JCH000353
- Design and Access Statement by Urban Pulse Design
- Ecological Survey by AAe Environmental Consultant ref 173398/ARB
- Noise Assessment by Acoustic Air dated November 2018
- Flood Risk Assessment and Drainage Strategy Technical Note by Stuart Michael Associates ref 5591
- Transport Statement by Stuart Michael Associates ref 5591/TS
- Arboricultural Impact Assessment by SJ Stephens Associates ref 1044 issue 05

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Retail Building**

Works for the demolition of the building shall not commence until a valid contract has been entered into for the carrying out and completion of works to demolish the existing building and to construct the building hereby permitted which front the High Street Theale, and evidence of that contract has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the demolition is followed by immediate rebuilding in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and to maintain the character and appearance of the Conservation Area.

4. **Tile Hanging Removal**

The area of restricted tile hanging shall be carefully removed using soft-strip methods with the following controls:

- All site operatives given a toolbox talk on the possibility of encountering bats and the legal protection they and their roosts are afforded;
- Initial works carried out with care and the area of tile hanging removed by hand, lifting each tile clear with two hands and not lifting the front of the tile and rolling backwards as this may crush any bats beneath;
- Check underneath the tile before stacking or discarding as bats may cling to the underside of tiles.

Reason: To ensure the protection of protected species in accordance with the National Planning Policy Framework and policy CS17 of the West Berkshire Core Strategy 2006-2026.

5. **Hours of Work (demolition and construction)**

No demolition or construction works shall take place outside the following hours:

- 7:30am to 6:00pm Mondays to Fridays;
- 8:30am to 1:00pm Saturdays;
- nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

6. **Land Contamination**

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local

Planning Authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

Reason: In order to protect the amenities of proposed occupants/users of the application site in accordance with the National Planning Policy Framework and policies OVS.5, 7 and 8 of the West Berkshire District Local Plan Saved Policies 2007.

**7. Archaeological work**

No development including demolition and site clearance shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded in accordance with policy CS19 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework. A pre-commencement condition is required due to any archaeology on site being potentially affected by all stages of the development. A pre-commencement condition is required because archaeological work must take place before any development.

**8. Building Recording**

No development including demolition and site clearance shall take place until the applicant has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Level 3 recording is required for the total demolition in accordance with Historic England guidance. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that an adequate record is made of these buildings of architectural, historical or archaeological interest in accordance with policy CS19 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework. A pre-commencement condition is required due to the need to record the historical interest of the building prior to its demolition as part of the development. A pre-commencement condition is required because a programme of building recording must be in place before any alternations/demolitions are undertaken.

**9. Sustainable Drainage**

No development, with the exception of demolition and site clearance, shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey over winter which confirms the groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than the existing greenfield runoff rate;
- d) Include construction drawings, cross-sections and specifications of all

- proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises; and
- h) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, the Sustainable Drainage SPD (2018), and Part 4 of Supplementary Planning Document Quality Design 2006. A pre-commencement condition is required because the design of sustainable drainage measures are likely to be required from the outset of construction.

#### 10. **Construction Method Statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007. A pre-commencement condition is required because the CMS must be adhere4d to during all demolition and construction work.

#### 11. **Tree Protection**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing 1044-01 Rev B dated November 18 and supported by the tree report by SJ Stephens's ref 1044 dated 23rd November 2018. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles, or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

**12. Materials**

No development above foundations shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework, Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

**13. Noise Scheme**

No dwelling shall be occupied and no retail unit brought into use until a noise scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) written details concerning any proposed air handling plant associated with the development including
  - (i) the proposed number and location of such plant as well as the manufacturer's information and specifications
  - (ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.
  - (iii) the intended operating times.
- b) calculations showing the likely impact of noise from the development;
- c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;

No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

**14. External Noise**

No dwelling shall be occupied until details of a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the measures have been completed in accordance with the approved details.

Reason: In order to protect the amenities of proposed residents/occupiers of the development in accordance with policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

**15. Odour**

No dwelling shall be occupied until details of a scheme of works or other such steps as may be necessary to minimise the effects of odour from the development have been submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

**16. Landscaping**

No dwelling shall be occupied or retail unit brought into use until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, species of value for wildlife including flowering plants and shrubs and trees suitable for bird nesting, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

**17. External Lighting**

No dwelling shall be occupied or retail unit brought into use until details of the external lighting to be used in the areas around and to the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall minimise light spillage and pollution and not be directed onto any bird or bat box. The external lighting shall be installed in accordance with the approved scheme before any dwelling is occupied or retail unit brought into use. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: To protect the amenities of adjoining occupiers and users and in the interest of biodiversity in accordance with the National Planning Policy Framework, Policies CS14 and CS17 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

**18. Biodiversity Enhancements**

No dwelling shall be occupied or retail unit brought into use until details of the biodiversity enhancements to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The enhancements shall include bird and bat boxes either within the soft landscaping or buildings and installed and positioned in accordance with good practice. The

enhancements shall be provided in accordance with the approved details prior to the occupation of any dwelling or the use of a retail unit.

Reason: To provide biodiversity enhancements as part of the development in accordance with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

**19. Parking**

No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

**20. Cycle Storage**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

**21. Refuse Storage**

No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse and recycling facilities within the site in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

**22. Balcony Screening**

No dwelling with a balcony shall be occupied until details of the measures to provide screening to minimise potential overlooking from the balcony to adjacent occupiers and land users has been submitted to and approved in writing by the Local Planning Authority. The screening shall be provided in accordance with the approved details prior to the occupation of that dwelling.

Reason: In the interest of amenity to prevent overlooking from balconies as part of the development in accordance with the National Planning Policy Framework, policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document: Quality Design 2006.

**23. Windows Obscure Glazed and Fixed Shut**

The residential units numbered 6 and 10 shall not be occupied until the windows at first and second floor level in the north elevation serving those units have been fitted with obscure glass and fixed shut. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: To prevent the overlooking of the residential property to the north in the interests of neighbouring amenity in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006 and Supplementary Planning Guidance 04/2 House Extensions 2004.

**24. Opening hours**

The A1/A2/A3 use hereby permitted shall not be open to customers outside the following hours:

- 08:00 to 23:00 Mondays to Fridays;
- 09:00 to 23:00 Saturdays;
- 09:00 to 22:30 Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

### ***Heads of Terms for Section 106 Agreement***

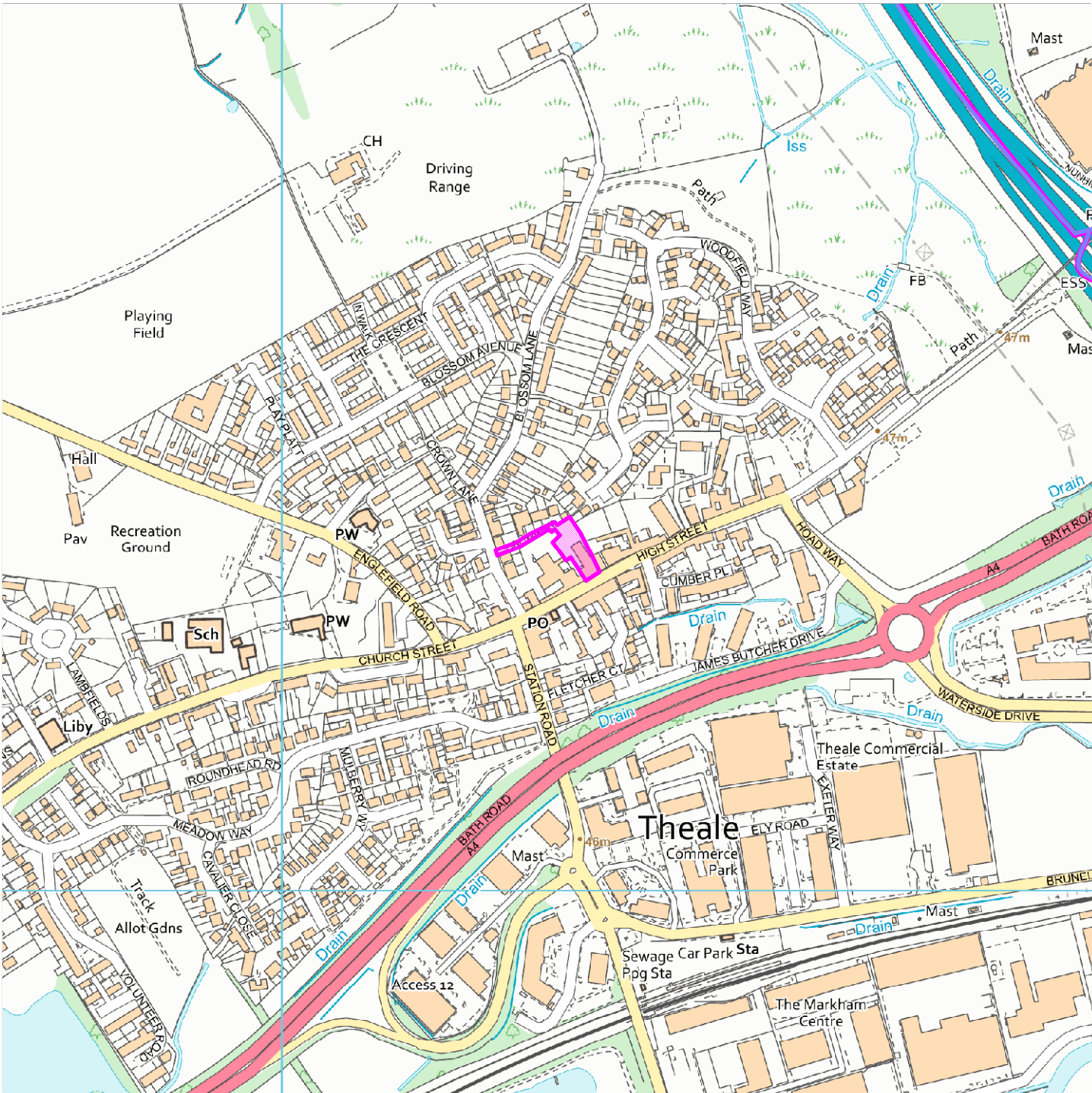
**1. Affordable housing**

- Contribution of £50,000 towards the provision of affordable housing within the district.
- Mechanism for a further contribution of up to £70,000 towards the provision of affordable housing within the district, in the event that the development generates sufficient profit.

### ***Refusal Reasons***

**1. Planning obligation**

The application fails to provide a Section 106 planning obligation to deliver necessary infrastructure and mitigation measures, including: a contribution towards affordable housing provision in the district, without which the proposal would be contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.

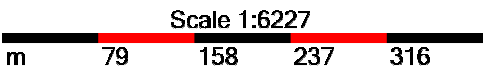


Map Centre Coordinates :

Scale : 1:6226

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	05 September 2019
SLA Number	0100024151

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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	19/01038/FULD  Stratfield Mortimer Parish Council	17 <sup>th</sup> July 2019 <sup>1</sup>	Erection of 2 x 1 bed and 2 x 2 bed apartments with associated parking and infrastructure following reconfiguration of existing retail car park (accessed from King Street) and creation of new loading bay with associated alterations to shop frontage (accessed from Victoria Road).  Land Adjacent To 1A King Street, Mortimer Common, Reading, West Berkshire, RG7 3RS  Fresh As A Daisy Food Stores Limited

<sup>1</sup> Extension of time agreed with applicant until 19<sup>th</sup> September 2019

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01038/FULD>

**Recommendation Summary:** Delegate to the Head of Development and Planning to grant planning permission.

**Ward Member(s):** Councillors Bridgman, Longton and Mayes

**Reason for Committee Determination:** Call-in by Councillor Mayes on the grounds of "Parish Councils concerns on the number and size of car parking spaces, disabled parking provision for the existing store and the proposed new apartment block."

**Committee Site Visit:** 11<sup>th</sup> September 2019

## Contact Officer Details

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# 1. Introduction

## ***Application site***

- 1.1 The application site is located within the built up settlement boundary of Mortimer Common. It comprises part of an existing car park and garden serving a retail unit 'Budgens' with 6 residential apartments above. The car park includes 24 existing spaces for retail (15) and residential occupiers (9) as well as the servicing area to the rear of the retail unit (where commercial vehicles (including HGVs) unload goods) accessed via King Street and a bin storage area. The eastern boundary of the site contains an oak tree protected by Tree Preservation Order (TPO 201/21/0837) and a hedge that follows the boundary. To the northern part of the site is garden area/external amenity space (approx. 175 sqm in area) for the 6 existing apartments which contains 2 category C trees and to the eastern boundary there is a single category C tree.
- 1.2 The surrounding context include residential housing including a 2.5 storey house at no. 1 King Street and 2-storey apartment block at 21-24 Badgers Croft adjacent to the western and eastern boundaries of the application site. The two-storey Budgens retail unit (which contains apartments at first floor) is located adjacent to the south. The neighbouring built form includes mixture of varying scale, appearance and architectural style. It is noted existing buildings along King Street have a varying set back from the footway with the adjacent Budgens retail store being hard up against the pavement edge and no. 1 King Street being set back by approx. 4m.

## ***Proposed development***

- 1.3 Full planning permission is sought for the erection of 4 dwellings within the application site facilitated through the reconfiguration of the store car park, redevelopment of the garden space to the north of the site to provide additional car parking and creation of new delivery bay to the frontage of the retail unit which remove the requirement for HGV delivery of the goods to the rear of the shop through the car park.
- 1.4 The proposed dwellings, comprising 2 x 1bed (measuring 50 sq.m) at ground floor and 2 x 2bed duplex units split over 1st floor and loft space (measuring 78-83 sq.m), would be located within a single block 2.5 storey apartment block sited adjacent to the western boundary of the site fronting on to King Street. The block would measure approx. 16m in width x 10m in depth x 9m in height. The dwellings would have associated car parking, bin and cycle storage facilities located at the rear. Shared external amenity space of approx. 100m<sup>2</sup> would be provided to the front and rear of the apartment block.
- 1.5 The apartment block would be of a modern design and appearance including hipped roof with dormers and projecting gable over the main entrance. The external materials including plain roof tiles and walls of facing brick with render amongst other elements.
- 1.6 The reconfiguration of the car park would increase car parking provision within the site to a total of 32 spaces comprising 6 for the proposed dwellings, 9 for the existing apartments (located above the existing retail store), 17 for the retail (existing provision is 15). The car park would reconfigured so that 9 new spaces are located to the northern part, the 17 retail spaces are located to the southern and western boundaries, with 6 spaces located to the rear of the apartment block accessed off an L shaped access drive (these 6 spaces would serve the existing dwelling).
- 1.7 The reconfiguration would result in the loss of the existing garden area (serving the existing apartments)) covering approx. 175m<sup>2</sup> to provide additional car parking. A new garden area of approx. 60m<sup>2</sup> would be located to the south of the terrace block to serve the existing 6 apartments within the site.

- 1.8 The proposed servicing/loading bay to the Victoria Road shop frontage would be approx. 25m in length x 3.5m in width. A footway with bollards would be maintained between the retail store frontage and the loading bay measuring between approx. 3.5 and 1.5m in width.

## 2. Planning History

- 2.1 There is an extensive planning history for the site, including two for similar residential developments. Firstly, Application 16/03547/FULD sought planning permission for the erection of 4 apartments (1x1bed and 3x2bed), boundary treatment and associated parking. It was refused on 16<sup>th</sup> June 2019 for reasons relating to:

- Layout design and positioning leading to compromised outlook and level of amenity;
- Does not achieve aim of economic sustainability, nor environmental sustainability due to harm to character of the area; and
- Inadequate car parking and retail delivery access.

- 2.2 Subsequently, Application 18/00477/FULD sought planning permission for the erection of 3x2 bed dwellings and associated parking. It was refused on 3<sup>rd</sup> October 2018 for reasons relating to:

- Unacceptable impact on neighbouring residential amenity, and
- Unsatisfactory living environment for future occupiers.

- 2.3 This application is the third revision of a residential scheme on the site. The table below outlines further historical planning history that is most relevant to the current application (most recent first).

Application	Proposal	Decision Date /
13/02998/FUL	Section 73A Variation of Conditions 2 Approved plans, 5 Bat survey, 11 Cycle parking, 12 External lighting, 13 Externally Generated Noise, 14 Air Handling Plan and Noise Survey, 16 Effects of Dust, 18 and 20 Temporary Parking Area, Turning Spaces and Site, 19 Storage of refuse and 21 Bat Roosting of approved reference 12/00655/XFULD.	Approved 03/03/2014
12/00655/XFULD	Application for renewal of approved application 09/00200/FULD relating to mixed use development for retail on the ground floor level and 6 residential units on the first floor.	Approved 16/04/2012
10/01529/FULC	Section 73 Variation of conditions 4 (bat survey), 6a (landscaping), 19 (temporary parking) and 23 (access details), removal of conditions 20 (Code for sustainable homes) and 21 (BREEAM (retail) of planning permission 09/00200/FULD to accommodate the phased development and the erection of a	Approved 17/08/2010

	temporary supermarket store.	
10/01526/FULC	Erection of single storey temporary supermarket store for 18 months.	Approved 17/08/2010
09/00200/FULD	Mixed use development, retail on the ground floor and 6 residential units on the first floor.	Approved 03/04/2009
08/00098//FULD	Mixed use development, retail on the ground floor and 7 residential units on the first floor.	Approved 25/03/2008

### 3. Procedural Matters

- 3.1 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 by way of a site notice that was displayed on 24<sup>th</sup> July 2019. The deadline for representations was 14<sup>th</sup> August 2019.
- 3.2 The proposal, having regard to the Councils CIL charging schedule, would create new residential floor space, as such it would be CIL Liability.

### 4. Consultation

#### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Stratfield Mortimer Parish Council:</b>	<p>Objection for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed parking layout is impractical and parking bays are too small at only 1.8m wide which is less than WBC's standard of 2.4m (see vehicle tracking plan where a 1.8m wide vehicle completely fills the bays);</li> <li>• The private parking area for the apartments shows 6 spaces, whereas the total required is 6.5 spaces (2 x 1.5 and 2 x 1.75). The Committee believes therefore there should be 7 spaces provided;</li> <li>• Road access through to the rear parking area appears extremely narrow in the layout plan and vehicle tracking plan;</li> <li>• The amenity space is small, certainly less than the size of the ground floor apartments, and appears to be below the recommended mixture of 25sqm per apartment, i.e. 100sqm in total;</li> <li>• Frontage of the proposed apartments extends onto the pavement, with the entrance door directly onto the pavement which is not in the local vernacular of the street scene (NDP Policy GD5);</li> <li>• The above points confirm that the proposal is an over development of the site with the layout overcrowded, small amenity space and the apartments close to the retail parking (NDP Policy HD4);</li> </ul>
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	<ul style="list-style-type: none"> <li>• The Committee strongly objects to the loading/delivery bay being situated at the front of the store on Victoria Road:</li> <li>• First, it is not aware of the statement in section 6.5 of the Transport Statement that “these arrangements have already been agreed by the local highways authority as being acceptable”. The report on the previous application (18/00477/FULD) does not specifically state this.</li> <li>• Second, the Committee is not convinced that the “predominately inset loading bay” (section 4.12 of the Transport Statement) can be constructed while allowing sufficient footpath width to accommodate wheelchairs and buggies.</li> <li>• Third, the Committee still believes that previous comments on application 18/00477/FULD, such as articulated delivery vehicles arriving from the wrong direction, the removal of the much used dropped crossing point opposite the bus stop and large vehicles parked ‘predominately’ in the lay by near the road junction will have adverse effects on road safety.</li> </ul>
<b>WBC Highways:</b>	No highway objection subject to conditions. Discussed further below.
<b>Environmental Health:</b>	No objections.
<b>Housing:</b>	Request 3 of the 4 proposed units as affordable housing.
<b>Lead Local Flood Authority:</b>	No objections subject to conditions.
<b>Waste Management:</b>	No objections.
<b>Emergency Planning:</b>	No adverse comments.
<b>Thames Water:</b>	No objections subject to conditions.
<b>Tree Officer:</b>	No comments received.
<b>Environment Agency:</b>	No comments received.

### ***Public representations***

- 4.2 Representations have been received from 7 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council’s website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Relocation of the on-site HGV/commercial servicing bay from the rear of the site to the front of the Store (fronting Victoria Road), taking into cumulative impact with existing road traffic and from that associated with proposed uses nearby, taking into account existing infrastructure on the pavement and limited manoeuvring space to access the proposed bay would have an adverse impact on highway safety to the detriment of public safety.
- Insufficient details of the proposed loading bay.
- Excessive 3-storey scale.
- It would set a precedent for further development within the site.
- Adverse impact on Oak Tree.
- Adverse impact on neighbouring residential amenity by way of overbearing, loss of outlook and privacy, increased noise/disturbance from intensification in the use of the car park and associated increased air pollution, as well as impact from construction activities which would result in alleged conflict with Article 8 of the Human Rights Act states “that a person has the substantive right to respect for their private and family life”.
- The reasons for refusal applied to previously refused planning application references 18/00477/FULD and 16/03547/FULD relating to inappropriate relationships between residential and commercial uses, inadequate amenity space and adverse parking and delivery concerns are equally applicable to this proposal.
- Proposal would lead to a loss of parking spaces from the existing store car park which already lacks sufficient capacity to meet the needs of store customers, resulting in increased on-street parking demand that would exacerbate existing problems associated with illegal on-street parking (including deliveries/servicing) within the vicinity of the store to the detriment of highway safety.
- The proposed parking layout is not practical or usable with insufficient access width and turning areas for the residential parking proposed within the northern part of the site.
- Insufficient landscaping proposed around the boundaries of the proposed parking area which would be required to mitigate impact from traffic movements on adjacent occupiers.
- The proposal would lead to the loss of external amenity currently allocated for occupiers of the existing apartments located above the store.
- The proposal would have an adverse impact on trees within the site.
- Proposal would devalue neighbouring properties.
- The submitted plans and drawings do not adequately demonstrate the proposal can be accommodated within the site - there is insufficient room for the number of spaces indicated and number and size of apartments that they propose to build, the car parking spaces are substandard in size and inadequate in number (there should be 7 additional spaces not 6 as proposed).
- Proposal would not be in keeping with the surroundings, harming the identity, character and appearance of the area and the wider village.
- The proposal is excessive in scale, would be an overly intensive use of the site that amounts to overdevelopment.
- Proposal would result in increased anti-social behaviour and littering within the locality.
- The design of the cycle store is inappropriate and would be visible above the boundary fence from 1 King Street.
- The proposal would have an adverse impact on nearby footpaths due to construction traffic and service vehicles movements associated with the proposal
- The existing retail store and adjacent development owned by the applicant has been amended via s73 applications to the extent it is no longer in keeping with the character of the area – the current proposal would further exacerbate this harm to the character of the area.

- The proposal is contrary to relevant local and national planning policy.

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The Stratfield Mortimer Neighbourhood Development Plan (2017) also forms part of the statutory development plan. The following policies are relevant to this application:

- RS1: Settlement boundary
- RS3: Compliance with plan policies
- RS6: Windfall sites
- HD2: Housing mix
- HD3: Starter homes
- HD4: Density
- GD1: General Principles
- GD2: Internal and External Access, and Parking
- GD3: Flood management
- GD4: Street lighting
- GD5: Building Design and Style
- GD6: Landscape and Environment
- IS1: Telecommunications
- IS2: Community Infrastructure Levy (CIL) Projects
- IS5: Traffic
- IS6: Water and waste water
- B1: Protected habitats
- B2: Ecological enhancements
- B3: Wildlife corridors
- GS2: Green Space Networks

5.3 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)

## 6. Appraisal

6.1 The main issues relate to:

- Principle of the development;

- Highways;
- Form and impact on the character and appearance of the area;
- Residential amenity;
- Other technical matters;
- Community Infrastructure Levy;
- The assessment of sustainable development; and
- Conclusion.

### ***Principle of development***

- 6.2 Core Strategy policy Area Delivery Plan Policy 1: Spatial Strategy (ADDP1) set outs a spatial strategy for the distribution of housing throughout the District. It identifies Mortimer as rural service centre where new housing can be directed. Policy ADDP6 identifies Mortimer as one of the settlements that is a focus for development within the East Kennet Valley.
- 6.3 Core Strategy Policy CS1 indicates new homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily developed on, amongst other areas, suitable previously developed land within settlement boundaries. The application site comprises brownfield land within a defined settlement boundary in accordance with policy CS1.
- 6.4 Policy C1 of the Housing Site Allocations DPD, indicates there is a presumption in favour of development and redevelopment within listed settlement boundaries. Mortimer is identified as settlement considered suitable for new housing.
- 6.5 Policies RS1, RS3 and RS6 of the Stratfield Mortimer NDP set out a presumption in favour of new residential development within the defined settlement boundary for Mortimer, amongst other considerations. Policies GD5 and HD2 seek to ensure there will be a mix of house types, with an emphasis on smaller starter homes and units that are suitable for local residents who wish to downsize.
- 6.6 For the above reasons, it is recognised that the proposal would accord with the provisions of Core Strategy Policies ADDP1, ADDP6, CS1, Housing Site Allocations DPD Policy C1, Stratfield Mortimer NDP policies RS1, RS3, RS6, GD5 and HD2 by directing new housing to a settlement where there is a presumption in favour of new residential development. The proposal is therefore considered acceptable in principle subject to the material considerations set out further below.

### ***Highways***

- 6.7 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. Policy P1 of the Housing Site Allocations DPD sets out relevant parking standards. Paragraph 109 of the NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. These aims are also supported by the Stratfield Mortimer Neighbourhood Plan (2017).
- 6.8 **Accessibility** – The application site is located within the built up area of boundary of Mortimer Common as such it is considered to be a sustainable location for directing new residential development in terms of accessibility.
- 6.9 The existing vehicular access to the application site will be retained with the supporting plans showing satisfactory visibility splays of 2.4m x 43m. In addition, vehicle tracking/swept path movements for the reconfigured car park have been provided that

demonstrate to the satisfaction of the Highways Team that the proposed car parking spaces would be fully accessible/usable.

- 6.10 In relation to specific concerns raised over the proposed delivery bay to the frontage of the retail unit, it is recognised that the proposal has been subject to a Road Safety Audit that did not raise concerns over the proposed access and egress of HGVs. The delivery lay-by would remove the requirement for such vehicles to enter King Street which is considered less suitable than Victoria Road for HGV traffic as well as removing the need for HGVs manoeuvring amongst cars within a relatively small car park to the rear of the retail unit. The proposed lay-by is considered by the Highways Team to allow the delivery vehicles to access and egress the site in a simpler and safer manner. Furthermore, it is noted that the proposal would require the implementation of delivery management plan that would control how deliveries are undertaken to further mitigate any potential highways impact. In addition, the supporting plans show sufficient footway width along Victoria Road store frontage would be retained for users of the footway following the implementation of the proposed loading bay.
- 6.11 **Parking provision** – As indicated above, the reconfiguration of the car park would increase car parking provision within the site to a total of 32 spaces comprising 6 for the proposed dwellings, 9 for the existing apartments, 17 for the retail store (existing provision is 15). The car park would reconfigured so that 9 new spaces are located to the northern part, the 17 retail spaces are located to the southern and western boundaries, with 6 spaces located to the rear of the apartment block accessed off an L shaped access drive (these 6 spaces would serve the existing dwellings).
- 6.12 Taking into account the parking standards set out in HSA Policy P1, each of the 1-bed flats should be provided with 1.5 car parking spaces, with each of the 2-beds with 1.75 spaces. A total of 6.5 spaces should therefore be provided for the 4 new dwellings proposed. The supporting plans indicate 6 spaces would be provided. However, taking into account the site is within a sustainable location coupled with new cycle storage provision, this level of parking provision is considered acceptable.
- 6.13 It is also recognised two additional spaces are proposed for the retail element which would help meet existing parking demand for customers visiting the store.
- 6.14 **Traffic generation** – The supporting transport statement indicates the proposal would lead to an increase of 16 two-way vehicle movements over the course of the day. This equates to 1.11% increase over the sites existing traffic generation, 1.03% over the existing vehicle movements on King Street and 0.42% over the existing vehicle movement on Victoria Road.
- 6.15 Taking into the account the increase in the proposed level of traffic generated by the proposal being relatively small, as well as the consideration of any cumulative impacts from existing/committed development within the locality, the proposal would not have a material impact on the local highways infrastructure in terms of traffic generation.
- 6.16 **Road safety** – In respect of exiting highway safety issues within King Street and Victoria Road, traffic accident data has been provided which indicates there have been no collisions recorded within 100m of the application site within the last 5 years.
- 6.17 **Accuracy of supporting plans** – The Councils Highways Team have reviewed the supporting layout plans and confirm the proposed car parking spaces shown would achieve 2.4m x 4.8m as such the plans are considered to be accurate.
- 6.18 **Refused Application References 16/03547/FULD and 18/00477/FULD** – These applications are material to the determination of this proposal. This revised proposal, facilitated primarily through the relocation of the store servicing bay to the frontage of the store and reconfiguration of the car park overcomes the concerns raised under the

refused application 16/03547/FULD in terms of inadequate car parking provision and retail delivery access.

- 6.19 In respect of application reference 18/00477/FULD, this proposal included a loading bay to the frontage of the store to Victoria Road identical to the one proposed by the current application. Whilst planning application 18/00477/FULD was refused overall (for non-highways related reasons), it is noted that the councils highways team considered the loading bay element of the previous application to be acceptable.
- 6.20 The proposal has been subject to careful consideration by the Councils Highways Team, who advise, subject to the imposition of planning conditions to secure the implementation of a delivery management plan, construction management plan, provision of parking and turning areas, provision of visibility splays, implementation of the new access arrangements, construction of the new delivery area to shop frontage and new cycle storage, amongst other detail, consider the proposal would have an acceptable impact on highway safety and the free flow of traffic within the local highways infrastructure. Furthermore, the proposal would ensure the provision of satisfactory off-road parking provision to meet the needs of the development.
- 6.21 For these reasons, and giving significant weight to the comments of the Councils Highways Team, it is considered that the proposal would have a neutral impact on highway safety within the local highways infrastructure having regard to the provisions of policy CS13 of the Core Strategy, saved local plan policy TRANS.1, policy P1 of the Housing Site Allocations DPD, the Stratfield Mortimer Neighbourhood Plan (2017) and paragraph 109 of the NPPF.

### ***Character and appearance of the area***

- 6.22 Core Strategy Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place, good design relates not only to the appearance of a development, but the way in which it functions. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development should contribute positively to local distinctiveness and sense of place.
- 6.23 Development proposals would be expected to make efficient use of land whilst respecting the density, character and landscape of the surrounding area (amongst other considerations). Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.24 Housing Site Allocations Policy C3 indicates the design of new housing must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' - West Berkshire Supplementary Planning Document and other local guidance documents.
- 6.25 Stratfield Mortimer NDP policy RS6 indicates residential developments will be supported as long as they are well-designed and comply with the policies of this NDP. Policies GD1, GD2, GD5 and GD6 set out other environmental criteria including, amongst others, ensuring the design and form of new development proposals harmonise with the surroundings. Policy HD2 supports the provision of 1 to 2 bed dwellings within the village

- 6.26 In terms of appearance, the proposal would introduce a 2.5 storey residential apartment block, of modern design and appearance, fronting on to King Street. The proposal would draw on the varying architectural characteristics found within the locality including projecting gables, hipped roofs, dormer windows and external materials including facing brick and render. In addition, it would incorporate eave and roof height similar to the adjacent dwelling at 1 King Street. Within this context, the proposal would result in a good quality appearance which would add to the wider variety of built form found within the village.
- 6.27 In terms of scale, the proposal is comparable to other built form found nearby which includes 2.5 storey residential development at 1 King Street and the Budgens store (which is of a larger scale) with its apartments on its upper floor located to the south. As such the scale of the proposal is considered acceptable.
- 6.28 In respect of the proposed layout, the proposal would front onto King Street with car parking area to the area where, having regard to the the surrounding pattern of development, which includes neighbouring dwellings also fronting on King Street, the general layout of the proposed housing would harmonise with the surroundings. In addition, the reconfiguration of the car park and new delivery bay to the frontage of the shop would be acceptable in terms of general layout.
- 6.29 In terms of landscaping, whilst the proposal would result in the loss of trees within the site which counts against the proposal, given they are unremarkable trees of very limited merit (category C) and subject to the retention of the Oak Tree protected by TPO located on the eastern boundary, and the provision of appropriate new soft and hard landscaping, on balance, the proposal would be acceptable in this regard.
- 6.30 **Refused Application Reference 16/03547/FULD** – This application is material to the determination of this proposal. This revised proposal, facilitated primarily through the sensitive redesign of the proposed apartment block and relocation of the store servicing bay to the frontage of the store overcomes the concerns raised under the previously refused application in terms of preserving the character and appearance of the area.
- 6.31 Overall, taking into account the variety of surrounding built form, on balance, the proposal would not result in unacceptable harm to the character and appearance of the area having regard to the provisions of Core Strategy Policy CS14, Housing Site Allocations DPD Policy C3, Stratford Mortimer NDP 2017 policies RS6, GD1, GD2, GD5, GD6, HD2 and guidance contained within the NPPF and Quality Design SPD.

### ***Residential amenity***

- 6.32 Planning Policy CS14 of the West Berkshire Core Strategy requires new development to make a positive contribution to the quality of life in West Berkshire. Policy GD1 of the Stratfield Mortimer NDP seeks to ensure new development will consider the amenity of existing residents adjacent to new development. Supplementary Planning Document on Quality Design also outlines the factors to consider with regard to amenity space and impact on adjacent properties. The SPD indicates that 1-2 bed flats houses should have should have 25 sq.m of communal space per unit. Paragraph 127(f) of the NPPF indicates developments should ensure a high standard of amenity for existing and future users.
- 6.33 **Neighbouring Residential Amenity** – The proposed apartment block would be sited adjacent to the south of the existing dwelling at 1 King Street which has an existing south facing dormer window (relating to a bathroom). Whilst the proposal would impact on the outlook from this dormer window, given it relates to a bathroom/non-habitable room, this impact would not have a material impact on the overall living conditions on the occupiers of the property.

- 6.34 In terms of loss of light, outlook and privacy to the occupiers of no. 1 King Street, the siting of the proposed apartment block with no significant projection beyond the front or rear of no. 1 King Street and subject to the use of obscure glazing on the 1st and 2nd floor rear facing windows, would ensure the proposal would have an acceptable impact in respect of these matters.
- 6.35 In terms of other neighbouring dwellings (including those at Badgers Croft and the 1st floor apartments above the retail store), taking into account intervening separation distances of approx. 21m and 11m respectively between the proposed apartment block and those existing dwellings, the proposal would preserve neighbouring residential amenity.
- 6.36 The proposal would introduce an additional car parking to the northern part of the site adjacent to existing residential boundaries. However, taking into account the intensification in use would be experienced in the context of the existing use of the store park, coupled with the modest number of parking spaces proposed with associated levels of trip generation, the additional car parking would not have a significant impact on neighbouring amenity in terms of increased noise and disturbance from associated traffic movements.
- 6.37 The reconfiguration of the car park would involve the removal of external amenity space covering approx. 175m<sup>2</sup> in the northern part of the site which serves the occupiers of the 6 existing apartments above the retail store. In compensation, a new communal space of approx. 60m<sup>2</sup> would be provided within south-western corner of the store car park partially facilitated through the removal of existing hard standing. Whilst this new space is smaller than the existing space and below the recommended standards in the Quality Design SPD of 150 sq.m, it would be located adjacent to the apartments it would serve making it more usable than the current configuration which requires users to travel through the length of the car park to access it. Furthermore, taking into account good quality external amenity space is available within nearby recreation parks, on balance, existing occupiers of the 6 apartments would retain access to adequate levels of external amenity space ensuring a satisfactory living environment.
- 6.38 In respect of the creation of a new loading bay to the frontage of the retail store to Victoria Road, the application is supported by a Noise Assessment that demonstrates the proposal would not result in any significant impact on the local noise environment. This information has been carefully considered by the Environmental team who raise no objection to the proposal.
- 6.39 For these reasons, the proposed delivery bay would therefore have an acceptable impact on neighbouring residential amenity in terms of potential noise and disturbance.
- 6.40 In terms of any short term impact on neighbouring amenity associated with the construction process, the imposition of planning conditions to secure a construction management plan to control details such as hours of work, deliveries, measures to control emissions, wheel washing, amongst others would mitigate any significant local impact. Furthermore, it recognised any impacts would be of a temporary nature only.
- 6.41 **Residential amenity for future occupiers** – The proposed apartment block would provide a minimum of 50 sq.m internal floor area for the 1 bed units and 78 sq.m for 2 bed units with a total of approx. 100m<sup>2</sup> of communal external amenity space (the total of the communal space located to the front and rear of the apartment block). Taking into account the standards set out in the Quality Design SPD, the proposal would provide adequate levels of internal and external amenity space for future occupiers.
- 6.42 The proposed apartment block would front onto King Street providing occupiers with a direct relationship to a predominantly residential street. Whilst the proposal would back onto store car parking area, on balance, the relationship of the apartment block and

commercial uses to the rear is considered acceptable in the interests of ensuring a satisfactory living environment for future occupiers.

- 6.43 The proposal is also supported by a noise assessment that demonstrates, subject to the implementation of appropriate window glazing/building fabric specification, satisfactory internal noise levels would be achieved for future occupiers of the proposed apartments to ensure the creation of satisfactory living environment.
- 6.44 **Refused application references 18/00477/FUL and 16/03547/FUL** – The above applications are material to the determination of this proposal. This revised proposal, facilitated primarily through the relocation of the store servicing bay to the frontage of the store (to Victoria Road), sensitive re-siting of the apartment block within the site (to increase separation distances from neighbouring dwellings) with new primary residential frontage to King Street and the creation of a much higher standard of residential accommodation, overcome the concerns raised under the previously refused applications in terms of ensuring a satisfactory living environment for future occupiers and preserving neighbouring residential amenity.
- 6.45 Notwithstanding each planning application must be considered on its individual merits, the material considerations relevant to the determination of refused planning applications 18/00477/FUL and 17/03547/FUL have been taken into account in considering this application.
- 6.46 For these reasons, the proposal would have an acceptable impact on neighbouring residential amenity and would ensure the creation of a satisfactory living environment for future occupiers in accordance with the provisions of policies CS14 of the Core Strategy, GD1 of the Stratfield Mortimer NDP, paragraph 127(f) of the NPPF and guidance contained within the Quality Design SPD.

### ***Other matters***

- 6.47 **Refuse Provision** – The supporting plans demonstrate adequate refuse storage facilities would be provided to the site. Furthermore, the Councils Waste Management team consider the proposed facilities are satisfactory.
- 6.48 **Ecology** – The application site is considered to be low ecological value and therefore the proposal would have an acceptable impact on biodiversity within the site. Informative notes could be provided to ensure the protection of any protected species/wildlife that maybe encountered during the development of the site.
- 6.49 **Archaeology** – Subject to the implementation of planning conditions to secure a written scheme of archaeological investigation, the proposal would have an acceptable impact on features of archaeological value within the site.
- 6.50 **Infrastructure** – Given the modest number of dwellings proposed, the proposal would not have a significant impact on local infrastructure. Planning conditions can also be imposed to protect any nearby sewerage infrastructure.
- 6.51 **Anti-social Behaviour** – Having regard to the nature of the proposal comprising a small residential development, reconfigured car park and loading bay, with the proposed car parking areas considered to be well overlooked, the proposal is unlikely to have result in any material increase of, or attract further, anti-social behaviour.
- 6.52 **Drainage** – The application site is within flood zone1 (lowest risk of flooding) and therefore subject to the implementation of satisfactory surface and foul water drainage strategy based on the sustainability principles, the proposal would not have an adverse

impact on the risk of flooding within the site or the locality having regard to the provisions of CS16 of the Core Strategy.

- 6.53 **Affordable Housing** – Core Strategy Policy CS6 seeks affordable housing at 20% of the total number of units for proposed schemes of between 5-9 dwellings. As the proposal is for 4 units, below the threshold where affordable housing would be sought under Core Strategy Policy CS6, no affordable housing is sought in this instance.
- 6.54 **Sustainability** – The proposal would ensure the provision of 4 new energy efficient dwellings that would conform to Part L of the Building Regulations which require a 25% reduction in carbon emissions over the 2006 standards, as well as other sustainability measures, that would chime with the overall aims and objectives of Core Strategy policy CS15.
- 6.55 **Assessment of sustainable development** – At the heart of the NPPF is a presumption in favour of sustainable development, the NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision.
- 6.56 Starting with the matters that weigh against the proposal, the proposal would result in minor environmental harm through the loss of existing trees within the site. This matter is afforded limited negative weight.
- 6.57 In terms of the matters that weigh in favour of the proposal having regard to positive social and economic considerations, the provision of 4 new dwellings would contribute towards the district's housing land supply and would support the local economy through increased population and temporary construction jobs. The benefits being tempered by the amount of housing proposed. Other matters are considered to be neutral.
- 6.58 Taking account of the social, environmental and economic factors of sustainable development, overall, the adverse impacts of the proposal do not outweigh the benefits and therefore the proposal constitutes sustainable development.

## **7. Planning Balance and Conclusion**

- 7.1 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the application complies with the development plan when considered as a whole and is therefore recommended for approval.

## **8. Full Recommendation**

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***Conditions***

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

(as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Location plan 1:1250
- 821D800 rev E (site plan)
- 821D801 (floor plans)
- 821D802 (elevations)
- 821D803 (sections)
- 821D804 (street scene)
- 821D805 (roof plan)
- 170430-03A (HGV service bay)
- 170430-04 (Van service bay)

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Parking and Turning Areas**

No dwelling hereby permitted shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking of vehicles at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. **Servicing/Loading Bay Construction**

The dwellings hereby permitted shall not be occupied until the new servicing/loading bay and any associated footway works to the Victoria Road frontage have been provided in accordance with drawing no.170430-03Rev A.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

5. **Visibility Splays**

No dwelling hereby permitted shall be occupied until the access visibility splays have been provided in accordance with drawing number 170430-03 Rev A. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6. **Delivery Management Plan**

No development hereby permitted shall take place until a Retail Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The Delivery Management Plan should include:

- Timings of deliveries – these should be outside of peak times on the highway network;
- Details of management of deliveries in the interests of pedestrian safety (such as the use of a banksman);
- Haul route to and from the site;
- Maximum sizes of delivery vehicles; and
- No loading or unloading of commercial goods vehicles shall take place on the public highway outside of the confines of the designated lay-by.

Reason: To safeguard the amenity of adjoining land uses/occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because deliveries will likely be impacted early in the development process.

#### 7. **Construction Method Statement**

No development hereby permitted shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials and hours of delivery including building supplies;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction;
- g) Hours of construction works limited to 0800 to 1800 Mon-Friday, 0900-1700 Saturdays with no works on Sundays and public holidays.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses/occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all construction.

#### 8. **Sustainable Drainage**

No development hereby permitted shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;

- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- h) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the design of the sustainable drainage measures must be known early in the development process.

#### 9. **Landscaping**

Notwithstanding the information submitted within the application documentation, no dwelling hereby permitted shall not be occupied until a detailed scheme of hard and soft landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development;
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### 10. **Boundary Treatment**

The development hereby permitted shall not be occupied until details, to include a plan indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment/s shall be completed in accordance with the approved scheme before the dwellings hereby permitted are first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and policy CS14 of the West Berkshire Core Strategy 2006-2026.

**11. Refuse and Recycling Facilities**

Notwithstanding the information submitted within the application documentation, prior to the first occupation of the dwellings hereby permitted, details of refuse and recycling storage areas/facilities within the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall thereafter be retained for this purpose.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site and to ensure the physical form of the facilities would harmonise with the surroundings. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

**12. Cycle Storage**

Notwithstanding the information submitted within the application documentation, the dwellings hereby permitted shall not be occupied until details of the cycle parking and storage space (including height and elevations) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and shall thereafter be retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**13. External/Facing Materials**

No development hereby permitted shall take place above foundation level until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in accordance with The National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), CS14 of the West Berkshire Core Strategy (2006-2026) and the Quality Design SPD (June 2006).

**14. Obscure Glazing**

The first floor and second floor windows in the east facing elevations of apartment no.3 indicated on drawing 821-D-801 hereby permitted shall be fitted with obscure glazing to a height of 1.7 metres when measured from the floor level of the rooms in which they are located before the individual rooms are first occupied. The obscure glazing shall thereafter be retained as such.

Reason: To avoid potential overlooking/loss of privacy for the occupiers of the adjacent property at no.1 King Street. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS14 of the West Berkshire Core Strategy (2006-2026),

**15. Electric Charging Points**

The dwellings hereby permitted shall not be occupied until the electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for use by electric vehicles.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**16. Noise Mitigation**

The development hereby permitted shall be carried out in accordance with the noise mitigation measures relating to window glazing/external building fabric specification set out in the noise report prepared by Clark Saunders Accoustics submitted as part of the approved planning application documentation. The approved mitigation measures shall be completed in their entirety prior to the first occupation of the dwellings hereby permitted.

Reason: To ensure a satisfactory living environment for future occupiers in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

**17. Tree Protection Measures**

Protective fencing shall be implemented and retained intact for the duration of the development hereby permitted in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan Appendix 5 of the Landscape collective tree report ref LC/00271 dated June 2018. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the requirements of the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policies CS14,18 and 19 of the West Berkshire Local Plan Core Strategy (2012).

**18. Written Scheme of Archaeological Investigation**

No development hereby permitted shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded to accord with the requirements of the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policy CS19 of the West Berkshire Local Plan Core Strategy (2012). A pre-commencement condition is required because archaeological investigation must take place before or concurrent with any development.

**19. Contamination**

If contamination is found at any time during site clearance, groundwork and construction within the application site, the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval. Works shall thereafter be carried out in accordance with the approved 'remediation method statement' and a final validation report shall be submitted to and approved in writing by the local planning authority before the dwellings hereby permitted are first occupied.

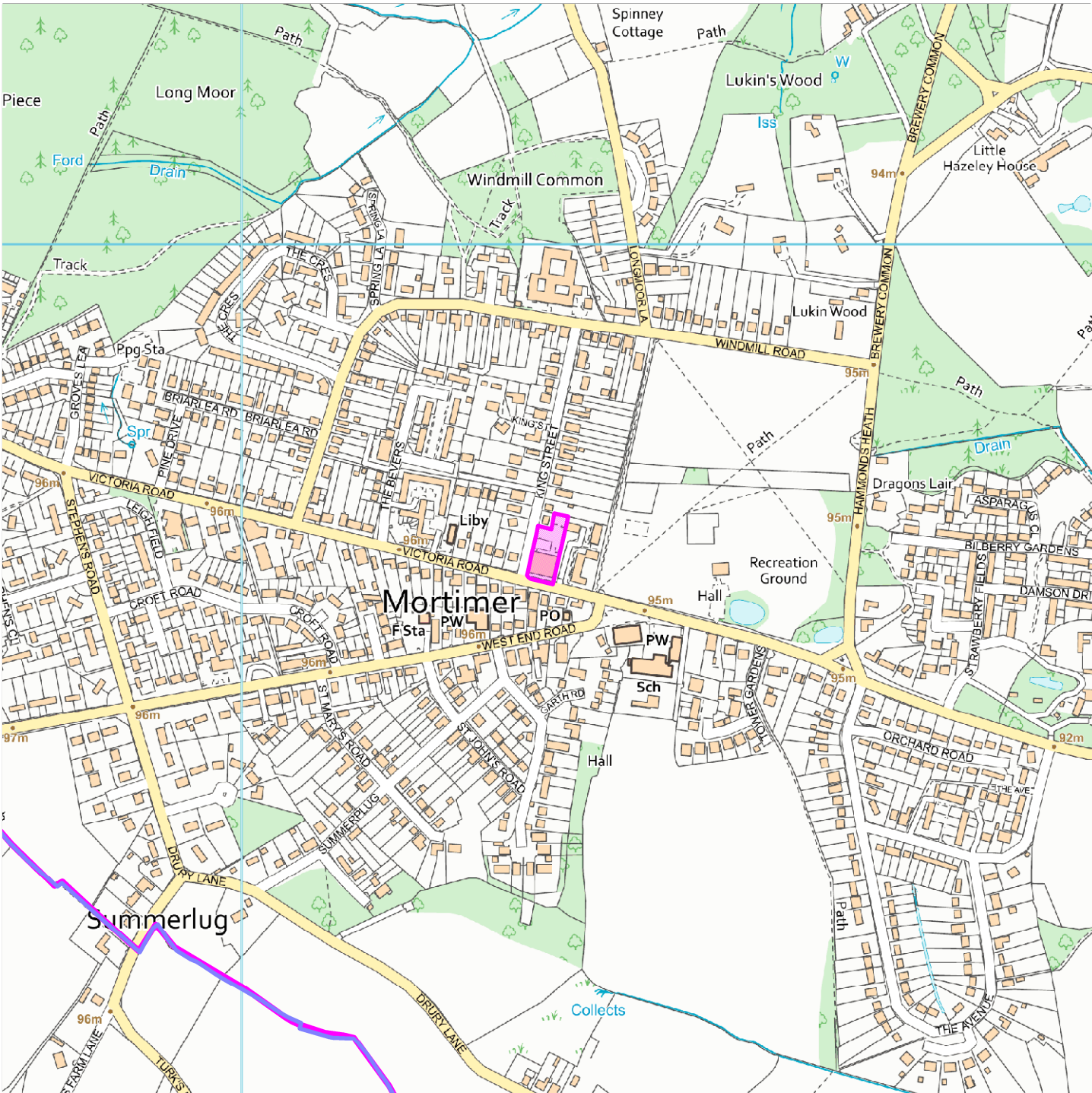
Reason: In order to protect the amenities of proposed occupants/users of the application site. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

**20. Piling**

No piling shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. All piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be within 15m of a strategic sewer/underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and CS14 of the West Berkshire Core Strategy (2006-2026).

Land Adjacent to 1a King Street, Mortimer Common RG7 3RS

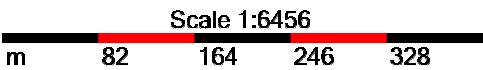


Map Centre Coordinates :

Scale : 1:6455

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	05 September 2019
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