

## APPENDIX 1.

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	15/02667/FULEXT Stratfield Mortimer Parish	21 <sup>st</sup> December 2015	Erection of 17 dwellings following demolition of existing dwelling and clearance of the site, alteration of the existing means of access off The Street, and associated landscape work.  Fairwinds and Land at Tower House, The Street, Mortimer Common  T A Fisher (Mortimer) Ltd

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=15/02667/FULEXT>

<b>Recommendation Summary:</b>	To <b>DELEGATE</b> to the Head of Planning & Countryside to <b>GRANT PLANNING PERMISSION</b> subject to the schedule of conditions (Section 8.1)
<b>Ward Member(s):</b>	Councillor Bridgman Councillor Lock
<b>Reason for Committee determination:</b>	Member call in
<b>Committee Site Visit:</b>	15 <sup>th</sup> June 2016

### Contact Officer Details

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Note. This is essentially the same report as that considered by the Eastern Area Planning Committee on 22<sup>nd</sup> June 2016. Changes to the text of the report and to the schedule of conditions are set out in bold type.

## **1. RELEVANT PLANNING HISTORY**

### **12/00680/FULD**

Site: Tower House

Erection of 4 no. detached dwellings with access and parking following demolition of existing dwelling.

Approved 24<sup>th</sup> September 2012.

### **14/02246/FULD**

Site: Fairwinds

Demolition of existing dwelling and erection of 4 No. detached houses with access and parking.

Approved 4<sup>th</sup> February 2015.

## **2. PUBLICITY**

Advertised in Reading Chronicle on 22<sup>nd</sup> October 2015. The neighbour notification letters expired on 3<sup>rd</sup> November 2015.

## **3. CONSULTATIONS AND REPRESENTATIONS**

### **3.1 Consultations**

**Stratfield Mortimer Parish Council** 9<sup>th</sup> November 2015: Objections on highway grounds, waste management issues, landscape management responsibility, lack of open green space and affordable housing not specified.

**Highways:** 2<sup>nd</sup> June 2016: The highway recommendation is for Conditional Approval.

2<sup>nd</sup> December 2015:

#### **Road Layout**

The proposed road is now shown constructed to adoptable standards.

A Section 38 Agreement will need to be entered into.

#### **Car parking**

From the amended plans I have established the following:

Plot 1 = 5 beds – double garage + 2 driveway spaces - 3 driveway spaces required

Plot 2 = 5 beds + garage + 2 driveway spaces – 3 driveway spaces required

Plot 3 = 5 beds = garage + 2 driveway spaces – 3 driveway spaces required  
Plot 4 = 5 beds + garage + 2 driveway spaces – 3 driveway spaces required  
Plot 5 = 5 beds + garage + 2 driveway spaces – 3 driveway spaces required  
Plot 6 = 5 beds + garage + 2 driveway spaces – 3 driveway spaces required  
Plot 7 = 3 beds + car port + 2 driveway spaces – adequate provision has been made  
Plot 8 = 3 beds + 2 surface spaces – \*2.5 spaces required  
Plot 9 = 2 bed house + 2 driveway spaces – adequate provision has been made  
Plot 10 = 2 bed house + 2 driveway spaces – adequate provision has been made  
Plot 11 = 3 beds + 3 surface spaces – \*2.5 spaces required  
\*(one additional space required for Plots 8 and 11 to provide 5 in total)  
Plot 12 = 3 beds = double car port – 2.5 spaces required (0.5 short)  
Plot 13 = 2 bed flat + 1.75 surface spaces – adequate provision has been made  
Plot 14 = 2 bed flat + 1.75 surface spaces – adequate provision has been made  
Plot 15 = 2 bed flat + 1.75 surface spaces – adequate provision has been made  
Plot 16 = 2 bed flat + 1.75 surface spaces – adequate provision has been made  
Plot 17 = 4 beds + garage + 2 driveway spaces shown but 3 vehicles could be accommodated – adequate provision has been made

As can be seen from the above, an increase in car parking provision is required in accordance with the latest guidance (attached) which came into effect mid November 2015 – hence why it was not referred to in my previous email.

### **Cycle storage**

Although this could be conditioned, it should be noted that for the flats one stand per bedroom is required. The store for Plots 13-16 must be able to accommodate 8 bicycles.

Rear access to Plots 9 and 10 has now been provided.

Sheds can be provided within the rear gardens of all other plots without a garage.

### **Transport Statement**

The swept path / turning head for an 11.2 metre long refuse vehicle is acceptable.

No further comments.

20<sup>th</sup> October 2015: Amended plans required to address access and road layout, level of traffic generation, car parking and cycle storage.

<b>Wildlife Trust</b>	28 <sup>th</sup> October 2015: No objection subject to conditions.
<b>Ecology Officer</b>	20 <sup>th</sup> October 2015: No objection subject to conditions.
<b>Environmental Health</b>	20 <sup>th</sup> October 2015: No objection subject to condition relating to hours of construction.
<b>Archaeology</b>	19 <sup>th</sup> October 2015: No objection.
<b>Waste Management</b>	13 <sup>th</sup> October 2015: No objection subject to conditions.
<b>Drainage</b>	No comments received.
<b>Thames Water</b>	27 <sup>th</sup> October 2015: No objection.
<b>Office for Nuclear Regulation</b>	29 <sup>th</sup> October 2015: The proposed development can be accommodated within their off-site emergency planning arrangements.
<b>Thames Valley Police</b>	No comments received.
<b>Public Rights of Way</b>	No comments received.
<b>Ramblers Association</b>	No comments received.
<b>Access Officer</b>	No comments received.
<b>Tree Officer</b>	No comments received.
<b>Planning Policy</b>	No comments received.
<b>Housing</b>	23 <sup>rd</sup> October: Any request for a diversion from the policy should

be accompanied by an open book viability assessment.

**Fire and Rescue** 16<sup>th</sup> October 2015: Suitable private fire hydrants or other suitable emergency water supplies should be provided.

### **3.2 Representations**

Total: 19 Object: 17 Support: 0 Ambivalent:2

Summary of Objections:

- Poor vehicle access;
- Increase in traffic;
- Lack of parking provision;
- Increase in traffic lead to increased noise and disturbance;
- Impact of traffic should be assessed on basis of wider site included under NDP;
- Any decision on this site cannot be made until referendum on NDP;
- Density higher than site field outline in NDP;
- Overload stretched facilities;
- Water pressure in area is low
- Scale of development has increased;
- Density is too great;
- Residents misled
- Lighting study required;
- Over development of site;
- Relationship with 8 dwellings approved at site, incremental planning by stealth;
- Spoilt semi-rural character of village;
- Lack of green space;
- Apartments out of keeping;
- Overbearing;
- Loss of privacy; and
- Impact on ecology.

Summary of Ambivalent responses:

- Ecology Assessment provides incorrect address.
- Agent quotes incorrect application number when asking for money to be transferred to this application.

## **4. PLANNING POLICY**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for West Berkshire comprises:

- West Berkshire Core Strategy (2006-2026)
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)
- Replacement Minerals Local Plan for Berkshire (2001)
- Waste Local Plan for Berkshire (1998)

- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).
- 4.3 According to paragraph 215 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:
- NPPF Policy
  - ADPP1: Spatial Strategy
  - ADPP6: The East Kennet Valley
  - CS1: Delivering New Homes and Retaining the Housing Stock
  - CS4: Housing Type and Mix
  - CS5: Infrastructure Requirements and Delivery
  - CS6: Provision of Affordable Housing
  - CS8: Nuclear Installations AWE Aldermaston and Burghfield
  - CS13: Transport
  - CS14: Design Principles
  - CS15: Sustainable Construction and Energy Efficiency
  - CS16: Flooding
  - CS17: Biodiversity and Geodiversity
  - CS18: Green Infrastructure
  - CS19: Historic Environment and Landscape Character
- 4.5 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy. The following saved policies from the Local Plan are relevant to this development:
- OVS.5: Environmental Nuisance and Pollution Control
  - OVS.6: Noise Pollution
  - HSG.1: The Identification of Settlements for Planning Purposes
  - TRANS.1: Meeting the Transport Needs of New Development
  - RL.1: Public Open Space Provision in Retail Development Schemes
  - RL.2: Provision of Public Open Space (methods)
  - RL.3: The Selection of Public Open Space and Recreation Sites
- 4.6 According to Paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans according to: (1) the stage of preparation, (2) the extent to which there are unresolved objections to relevant policies, and (3) the degree of consistency of the relevant policies in

the emerging plan to the policies in the NPPF. The Local Development Scheme (LDS) provides a timetable for the preparation of emerging development plan documents.

4.7 The emerging Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of new West Berkshire Local Plan. It will allocate non-strategic housing sites and sites for Gypsies, Travellers and Travelling Showpeople, and will provide update residential parking standards and a set of policies to guide housing in the countryside. The Proposed Submission HSA DPD is at an advanced stage, and was submitted to the Secretary of State for examination on 6th April 2016. The Public Hearings will begin on 21<sup>st</sup> June 2016. The following policies from the HSA DPD are relevant to this development:

- C1: Location of New Housing in the Countryside
- P1: Residential Parking for New Development

4.8 The Localism Act 2011 has encouraged communities to come together and shape the future of their local areas, through Neighbourhood Development Plans. Stratfield Mortimer Parish Council submitted their NDP to the Council and following a period of consultation it has been submitted for examination.

4.9 The following local policy documents adopted by the Council are material considerations relevant to the development:

- Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Delivering Investment for Sustainable Development (June 2013)
- Stratfield Mortimer Village Design Statement (2007)

## **5. DESCRIPTION OF DEVELOPMENT AND PROPOSAL**

5.1 Full planning permission is sought for the erection of 17 dwellings, following the demolition of existing dwelling and the clearance of the site, alteration of the existing means of access and associated landscape work. The application site is referred to as Fairwinds and Land at Tower House, The Street.

5.2 The application site comprises 0.85 hectares of land and was previously occupied by two detached dwellings (Fairwinds and Tower House). Fairwinds remains in situ, but Tower House was demolished and three slabs have been created to implement the 2012 planning permission (12/00680/FULD) consisting of four dwellings. The site at Fairwinds benefits from an extant planning permission (14/02246/FULD) for the erection of four dwellings. Public footpath STRA/10/1 forms the eastern boundary of the site runs in a north/south direction.

5.3 The proposed development comprises a mix of housing types including:

- 4 x 2 bed apartments
- 2 x 2 bed houses

- 4 x 3 bed houses
- 1 x 4 bed houses
- 6 x 5 bed houses

5.4 The development has been designed so that it is low density with access off The Street. The access road would lead in a southerly direction running between properties known as Green Gates and Fairview. Plots 1 and 13 to 17 would have frontage on to this access road. The access road would then return in a westerly direction at the southern half of the site serving plots 1 to 12. The dwellings and apartments are two-storey, and the palette of materials include red brick, timber boarding, hanging tiles, plain clay tiles, slate tiles, timber casements and timber doors.

5.5 The Council has received a Viability Assessment from the applicant to justify the absence of any on site affordable housing provision. This document is not publically available as it contains commercially sensitive information. Similarly the advice received from the Council's external consultant on this matter is confidential but has been used by officers to inform this assessment. Further information, including the complete Viability Assessment and Consultant's Report is provided to Members in the Part II Report.

## **6. APPRAISAL**

The main issues for consideration in the determination of this application are:

- The Principle of Development
- The Impact on the Character of the Area
- Impact on Neighbour Amenity
- Amenity for Future Occupants
- Affordable Housing provision
- AWE and Public Health
- Highways Matters
- Flood Risk
- Drainage
- Water and Sewerage
- Ecology
- Trees
- Construction Impacts
- Community Infrastructure Levy
- Presumption in Favour of Sustainable Development

### **6.1 The Principle of Development**

6.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The key policies that relate to the delivery of housing within West Berkshire, and are relevant to this application, are Core Strategy Policies ADPP1, ADPP6 and CS1, Saved Local Plan Policy HSG.1, and emerging Housing Site Allocations Policy C1.

- 6.1.2 The housing supply policies are up-to-date in the context of paragraph 49 of the NPPF, as the West Berkshire Local Plan Annual Monitoring Report 2015 (Housing - January 2016) shows that the Council can demonstrate a five year housing land supply.
- 6.1.3 In terms of the key principles of decision making as set out in the NPPF, the Development Plan is not absent, silent or out of date. Instead the Core Strategy provides an up to date framework for development planning in West Berkshire. The Core Strategy is being consolidated by the provision of a Housing Site Allocations DPD which is at an advance stage and will allocate non-strategic development under the framework of the Core Strategy.
- 6.1.4 Additionally, following the close of the consultation on 22nd April 2016, Mortimer Parish Council has submitted the Stratfield Mortimer Neighbourhood Plan (NDP) for examination. The NDP is therefore at an advanced stage, and in this process there has been significant local engagement. The Council's Housing Site Allocations DPD sets out that the NDP will allocate 110 dwellings. The application site lies to the north of the site (MOR006) allocated within the NDP. The NDP confirms at paragraph 10.2.1 that access to this allocation would be via the application site.
- 6.1.5 Core Strategy Policy ADPP1 states that new development should take place within or adjacent to settlements within the settlement hierarchy, with the majority of development taking place on previously developed land. ADPP6 sets out the spatial strategy for the East Kennet Valley. The policy sets out that development in this area will take place as small extensions to the rural service centres and service villages in this spatial area, while strictly controlling development in the open countryside.
- 6.1.6 Core Strategy Policy CS1 states that new homes will be primarily developed on:
- (a) Suitable previously developed land within settlement boundaries.
  - (b) Other suitable land within settlement boundaries.
  - (c) Strategic sites and broad locations identified on the Core Strategy Key Diagram.
  - (d) Land allocated for residential development in subsequent Development Plan Documents.
- 6.1.7 The principle of the residential development of this site has been established through the implementation of planning permission (12/00680/FULD) for four dwellings and an extant planning permission (14/02246/FULD) for four dwellings. As a result, given the location of the site within the defined settlement boundary, the extant and implemented planning permission, the principle of the residential development of this site is considered to be acceptable, subject to other material planning considerations that will be discussed below.
- 6.1.8 Finally, representations have been received regarding the relationship with the land to the south allocated within the NDP for housing and access to the

site would be through the application site. The access road forming part of this application is illustrated to the southern boundary of this allocation. It is, therefore considered that the provision of residential development of this site would not stymie the allocation in the NDP.

## **6.2 Impact on the Character of the Area**

6.2.1 The Government attaches great importance to the design of the built environment, and securing high quality design is one of the core planning principles of the Framework. 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. Policy CS19 seeks to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced. Moreover, the Stratfield Mortimer Parish Council Village Design Statement notes that residents expressed a keen desire to maintain the separation and individuality of the village and are anxious to contain building and development within the 'existing settlement' boundary, thus maintaining the greenfield and rural aspects of the approaches to the village itself, which, it is felt do much to establish the character of the community.

6.2.2 The previous planning permissions have been overlain on to the scheme forming part of this application (drawing number: 15-P1117-14), which illustrates the provision of 8 large dwellings set within generous sized plots. Within Mortimer there a range of different architectural styles. The principle of creating a tier of the development to the south of the site has been established. Despite the number of units being created on site increasing from 8 to 17, the density of the development is still relatively low at 20 dwellings/hectares. As such it is considered that the layout of the development responds positively to the surrounding pattern of development.

6.2.3 The design approach adopted includes the provision of a number of differently designed units that adds a degree of variety that helps improve the overall legibility of the scheme. Reasonable separation distances have also been provided between each of the units. Furthermore with the development being two-storey together with the sensitive palette of materials that have been selected ensures that the development would be a high quality addition to this part of Mortimer.

6.2.4 Overall, the proposed design approach is considered to be acceptable and would enhance the character of the surrounding area. As such the proposal is considered to comply with Policies CS14, CS19, guidance within the NPPF and the Stratfield Mortimer Village Design Statement.

## **6.3 Impact on neighbouring amenity**

6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the Framework. Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

- 6.3.2 A number of residential properties form the boundary of the application site with Fairview, Little Foxes and Green Gates to the north, Redwoods to the west and a dwelling approved at appeal to the west.
- 6.3.3 The relationships with neighbouring properties are similar to those that were accepted in the consideration of the previous planning applications. Apart from the access road running to the west of Green Gates, the nearest built form would be plot 17 that would be sited some 35m off the southern elevation. Plot 17 would also be the nearest part of the development to Fairview and Little Foxes. The resulting separation distances of these properties from the southern side elevation of plot 17 are 35.0m and 39.0m respectively. Due to the distances involved from these properties, it is considered that the proposal would not result in any overbearing impact or loss of privacy. There would be an increase in traffic from the previous schemes using the access road, but this is not considered to give rise to any unacceptable increase in noise and disturbance.
- 6.3.4 With regards the dwelling allowed at appeal to the east of the site, plot 17 would be the closest part of the development. However, a minimum distance of 29.0m would be maintained, which is considered to be sufficient to ensure that there would be no overbearing impact or any unacceptable overlooking.
- 6.3.5 Turning to the relationship with a property known as Redwoods to the west, the rear of plots 7 to 11 would be sited a minimum of 19.0m off the eastern boundary of this property. Given this separation distance and the presence of mature boundary treatment, it is considered that the proposal would not have any unacceptable overbearing impact or loss of privacy on this property.
- 6.3.6 The proposal is therefore considered to comply with Policy CS14 of the Core Strategy.

#### **6.4 Amenity for future occupants.**

- 6.4.1 Part 2 of the Council's adopted Supplementary Planning Document Quality Design provides guideline minimum sizes for gardens in new development in order to ensure houses are provided with sufficient private outdoor amenity space. For 1 and 2 bedroom houses, 70 sqm should be provided for houses with 3 or more bedrooms a minimum of 100 square metres should be provided. In the case of 1 and 2 bed flats, 25 sqm of communal space should be provided.
- 6.4.2 The proposed development meets the prescribed levels of amenity space for all parts of the development and this is supported by Officers.

#### **6.5 Affordable Housing provision**

- 6.5.1 Policy CS6 of the Core Strategy sets out the Council's policy position on affordable housing and states:

*“In order to assess the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The Council’s priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy.*

*Subject to the economics of provision, the following levels of affordable housing provision will be sought by negotiation:-*

*On development sites of 15 dwellings or more (or 0.5 hectares or more) 30% provision will be sought on previously developed land, and 40% on greenfield land;*

*Proposed provision below the levels set out above should be fully justified by the applicant through clear evidence set out in a viability assessment (using an agreed toolkit) which will be used to help inform the negotiated process.*

*In determining residential applications the Council will assess the site size, suitability, and type of units to be delivered. The Council will seek a tenure split of 70% social rented and 30% intermediate affordable units, but will take into consideration the identified local need and the site specifics, including funding and the economics of provision.*

*The affordable units will be appropriately integrated within the development. The Council will expect units to remain affordable so as to meet the needs of both current and future occupiers. Where this is not relevant or possible, the subsidy will be recycled for the provision of future affordable housing.”*

- 6.5.2 In this case, the level of on-site affordable units required by the policy would be 5.1 units. As identified earlier in the report, the applicant has provided a Viability Assessment with the application. Due to the commercially sensitive nature of the information contained therein it is held confidentially. Similarly the advice received from the Council’s consultant on this matter is also held confidentially.
- 6.5.3 The Viability Assessment sets out why the scheme is not considered to be viable with the provision of on-site affordable housing provision or an affordable housing contribution. The Council’s Consultant (DV South East) has reviewed the information and independently concludes that this scheme is unlikely to be able to provide any affordable housing on site taking into account viability.
- 6.5.4 Overall, from the evidence provided in the form of a Viability Assessment and the professional advice received from the Council’s consultant, it is considered that the provision of no on site affordable housing required by policy CS6 is therefore justified.

## **6.6 AWE and Public Health**

- 6.6.1 There are two licensed nuclear installations located in West Berkshire, the Atomic Weapons Establishment (AWE) in Aldermaston and in Burghfield. In the interests of public safety Core Strategy Policy CS8 provides a framework for determining planning applications in close proximity to either site.
- 6.6.2 The application site lies within the Outer Land Use Planning Consultation Zone of Policy CS8 surrounding AWE Burghfield (AWE(B)), and within the Outer Land Use Planning Consultation Zone surrounding AWE Aldermaston (AWE(A)).
- 6.6.3 The AWE Off-Site Planning Group raised no objections, and they have no adverse comments to make on the current application. The development therefore complies with Core Strategy Policy CS8.

## **6.7 Highways Matters**

- 6.7.1 Paragraph 32 of the NPPF states that "all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."
- 6.7.2 Access to the site is off The Street, and visibility splays of 2.4m x 51.6m to the west of the exit and 2.4m x 41m to the east of the exit are proposed. The Transport Statement (TS) confirms that using TRICS data the proposal would result in an increase of 87 daily traffic movements on The Street. The TS concludes that the proposed development can be safely accommodated by the existing highway network and that the increase in traffic flows generated by the proposed development will not have a material impact upon the operation and capacity of adjacent junctions.
- 6.7.3 A number of concerns have been raised by local residents and the Parish Council relating to the impact the development would have on highway safety. Amended plans have been received during the course of the application to address issues raised by the Highway Authority. These primarily related to the extent of the adoptable highway, levels of parking and trip generation. Revised plans illustrating an increase in the length of the adoptable road, a 5.5m wide carriageway with 2m wide footway and a turning head capable of accommodating 11.2m long refuse vehicles has been received.

- 6.7.4 The Highway Authority did raise concerns regarding a shortfall of the level of car parking, but as the application was valid on 21<sup>st</sup> September 2016 that was in advance of the HSA DPD, it is considered that it would be unreasonable to rigidly apply the new standards. On this basis, it is therefore considered that the provision of 31 parking spaces is sufficient and the Highway Authority has confirmed that they are satisfied with the level of on site parking proposed.
- 6.7.5 Overall, it is considered that with appropriate conditions no severe highway impact would result from this proposal. The development, therefore complies with Core Strategy Policy CS13 and the NPPF.

## **6.8 Flood Risk**

- 6.8.1 The Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 strictly applies a sequential approach across the district. The application site is located in the Environment Agency's Flood Zone 1, which has the lowest probability of fluvial flood risk. Residential development is therefore generally considered appropriate in flood risk terms.
- 6.8.2 The responsibility for assessing surface water drainage proposals for major application is now with the Lead Local Flood Authority (LLFA). The Flood Risk Assessment shows the land to have a low probability of flooding from overland flow, ground water and sewer flooding. It is considered that the development complies with NPPF sequential test and the associated parts of Core Strategy Policy CS16.

## **6.9 Drainage**

- 6.9.1 Core Strategy Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS). The Planning Practice Guidance is more specific; it advises that whether a sustainable drainage system should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.
- 6.9.2 The decision on whether a sustainable drainage system would be inappropriate in relation to a particular development proposal is a matter of judgement for the local planning authority. In making this judgement the local planning authority will seek advice from the relevant flood risk management bodies, principally the LLFA, including on what sort of sustainable drainage system they would consider being reasonably practicable.

6.9.3 In this case the Drainage Strategy highlights that the development would incorporate sustainable drainage solutions to dispose of surface water. The principals outlined in the Drainage Strategy are considered to be acceptable. An appropriately worded condition will be added regarding the provision of sustainable drainage scheme.

## **6.10 Water and Sewerage**

6.10.1 The Drainage Strategy identifies that the proposed development would connect to the public foul sewer to the north of the site. Thames Water has confirmed that they have no objection to the proposal in respect of water and sewerage infrastructure capacity.

## **6.11 Ecology**

6.11.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst others) minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 113 encourages criteria based policies against which proposals for any development on or affecting protected wildlife of geodiversity sites or landscape areas will be judged.

6.11.2 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

6.11.3 A follow-up ecological walk over survey report prepared by AA Environmental Limited dated 3<sup>rd</sup> July 2015 has been submitted in support of the application. The report finds that the site is of overall low ecological value. However, the site was assessed to provide sub-optimal habitat for herpetofauna. As great crested newts and slow worms are known to be present in the area 'Reasonable Avoidance Measures' are recommended and a method statement was included with the report. The Council's Ecologist and the Wildlife Trust have no objection to the proposal subject to conditions. The proposal therefore complies within Policy CS17 and the ecological policies in the NPPF.

## **6.12 Trees**

6.12.1 A Tree Survey Report in accordance with BS5837:2012 has been submitted in support of the application. Tree root protection areas have been provided and the location of tree protections fencing has been provided. However, no dig areas are proposed for a maple tree (T61). For trees T1, T27 and T51 ground protection areas are recommended and these should be established through the use of plywood or scaffold boards. It is proposed to retain a number of trees around the periphery of the site, and the landscaping plan

illustrates the strengthening of the boundaries of the site with mixed native hedging and native tree groups. Subject to appropriate conditions regarding tree protection measures outlined in the tree report, it is considered that the proposal would not have any detrimental impact on trees.

### **6.13 Public Right of Way**

In terms of the adjacent Public Right of Way, Public Footpath STRA/10/1, the development would not encroach onto this path.

### **6.14 Construction Impacts**

6.14.1 It is acknowledged that construction works can result in temporary disturbance to a local area. However, given the nature and scale of this particular proposed development, there are no significant concerns with potential construction impacts that cannot be made acceptable by conditions on any planning permission.

### **6.15 Community Infrastructure Levy**

6.15.1 The proposed development is CIL liable. CIL is managed separately outside the application process. CIL can be used to mitigate the impacts on education provision, social infrastructure and affected other public services.

### **6.16 Presumption in favour of sustainable development**

6.16.1 The NPPF has introduced a presumption in favour of sustainable development, which paragraph 197 advises should be applied in assessing and determining development proposals.

6.16.2 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.

6.16.3 The residential units are proposed within a sustainable location in Mortimer. The scheme has been designed so to respect the character of the area. It is not considered that there would be a significant effect on neighbour amenity or highway safety. The particular circumstances of the scheme justify an absence of affordable housing.

6.16.4 For the above reasons it is considered that the proposed development is considered to represent sustainable development.

### **6.17 Other Issues**

**6.18 Clarification has been received by the applicant regarding the red line area illustrated on the site location plan and land ownership. Proof of title for Fair View and Tower House has been provided. The agent has confirmed that there is an area of non-title between the applicant's title**

and the title of Fair View, however they confirm this area of non-title has always been maintained by the former owners of Tower House and more recently by TA Fisher since acquiring the site. Furthermore, the agent clarifies that the boundary of Fair View is defined by the line of hedging and fence, and confirms that the Cherry Tree falls within the ownership of TA Fisher. Following a review of the title plan it is considered that the appropriate certificate of ownership has been completed. No compelling evidence has been received to contradict this so it is considered that the application site area is correct. Further evidence has been produced by the applicant since the Committee on 22<sup>nd</sup> June 2016 and it is considered that the appropriate certificate has been completed.

**6.19** At the Committee site visit, concerns were raised that the owner of Dudley House had not been notified of the development. A site notice was erected, the application was published in the local press and a neighbour notification letter had been sent to Dudley House. Representations have also been received from the owner of Dudley House. It is, therefore considered that the necessary publicity has been carried out.

**6.20** Further correspondence has been received raising concerns that the current planning application should be deferred until the referendum on the Neighbourhood Development Plan (NDP) has taken place. Planning Officers consider that given that the site benefits from planning permission for the provision of 8 dwellings, as well as being located within the settlement boundary, it would be unreasonable to withhold planning permission. Furthermore it is considered that the approval of this planning application would not prejudice the outcome of the NDP process. A further representation has also been from the owner of Fairview regarding the proximity of the proposed landscaping to his privet and holly hedge. This is a matter that could be dealt with under condition 8 relating to the provision of a soft landscaping scheme.

## **7. Conclusion**

7.1 Having regard to the relevant development plan policies and other material considerations as detailed above, it is considered that planning permission is justified for the proposed development. As such, the application is recommended for conditional approval.

## **8. Recommendation**

**DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the conditions set out below.

### **8.1 Recommended conditions**

## **1 Time Limit**

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. Plans**

The development hereby approved shall be carried out in accordance with drawing title numbers:

- 15 – P1117 – LP – Location Plan
- 15 – P1117 – 01B – Site Layout
- 15 – P1117 – 02A – Plot 1
- 15 – P1117 – 03A – Plot 2
- 15 – P1117 – 04A – Plot 3
- 15 – P1117 – 05A – Plot 4
- 15 – P1117 – 06A – Plot 5
- 15 – P1117 – 07A – Plot 6
- 15 – P1117 – 08B – Plot 7
- 15 – P1117 – 09A – Plots 8 - 11
- 15 – P1117 – 10A – Plot 12
- 15 – P1117 – 11A – Plots 13 - 16
- 15 – P1117 – 12A – Plot 17
- 15 – P1117 – 13A – Site Sections
- 15 – P1117 – 14A – Site Comparison
- 15 – P1117 – 15A – Outbuildings

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

## **3. Hours of 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 (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## **4. 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 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 where appropriate;**
- (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; and**
- (h) **The provision of a temporary fence along the boundary with the adjacent Public Right of Way.**

**Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.**

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

#### **5. Materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall incorporate the use of a porous material. 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

#### **6. Floor Levels**

No development shall take place until details of the finished floor levels of the development hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

## **7. Hard Landscaping**

No residential unit hereby permitted shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

## **8. Soft Landscaping**

**Notwithstanding the approved landscaping plan, no development shall take place until a detailed scheme of landscaping for the site has been 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 NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.”**

## **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 best practice and the proposed national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include a drainage strategy for surface water run-off from the site that ensures that no discharge of surface water from the site will be directed into the public system;

- 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 +30% 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;
- i) 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;
- j) 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.

All sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design - Part 4 Sustainable Design Techniques (June 2006).

## **10. Ecology**

The development shall be carried out strictly in accordance with the 'Method Statement: Herpetofauna' detailed in the AA Environmental Limited Report dated 3<sup>rd</sup> July 2015.

Reason: To ensure the protection of protected species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **11. Ecological Enhancements**

No development shall take place until details and locations of 6 built in bat tubes in the houses and 10 woodcrete bird boxes have been supplied to and approved in writing by the Local Planning Authority. The boxes shall be installed and thereafter

managed and maintained in accordance with the approved details before the first house is occupied.

Reason: To accord with the National Planning Policy Framework March 2012 and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

## **12. Refuse**

No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

## **13. Tree Protection**

The development shall be carried out in accordance with the tree protection measures detailed in Section 4 of the Arboricultural Impact Assessment prepared by SJ Stephens Associates (9<sup>th</sup> September 2015). The protective 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 natural features during the construction phase. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026), Policy HSG1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

## **14. Visibility Splays**

No dwelling shall be occupied until the visibility splays at the access have been provided in accordance with drawing number 5224.001 Rev A received on 3 December 2015. 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 (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **15. Vehicle Parking/Turning Spaces**

No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Cycle Parking**

No dwelling hereby permitted shall be occupied until the cycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of cycles in order to reduce reliance on private motor vehicles. This condition is imposed in accordance with the National Planning Policy Framework, 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).

### **17. Pedestrian/Cycle link**

**“No residential unit hereby approved shall be occupied until the pedestrian/cycle link approved on drawing number 15-P1117-01 has been provided and made available for use. The pedestrian/cycle link shall be retained in perpetuity.**

**Reason : To ensure a sustainable form of development and encourage the use of walking and cycling in order to reduce reliance on private motor vehicles. This condition is imposed in accordance with the National Planning Policy Framework, 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).”**

#### **INFORMATIVES:**

- 1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
- 2 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

- 3 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
- 4 The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants behalf.
- 5 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- 6 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 7 In order to protect the stability of the highway, it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the District Council
- 8 Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.
- 9 Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
- 10 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface

water discharge from the site shall not be detrimental to the existing sewerage system.

- 11 No site clearance shall take place in the bird breeding season (March – August inclusive) unless a qualified ecologist has confirmed immediately before works commence that there are no breeding birds present.
12. 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 and the Developer is required to enter into a S278/S38 Agreement for the access and adoption of the site.