

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	16/02600/FULEXT Stratfield Mortimer Parish Council	16 th December 2016	Section 73 removal of condition 17 of approved application 15/02667/FULEXT – 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, The Street, Mortimer Common, Berkshire. 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=16/02600/FULEXT>

Recommendation Summary: To **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 7.1 of the committee report).

Ward Members: Councillor Bridgman
Councillor Lock

Reason for Committee determination: Member call in.

Key background documentation: Eastern Area Planning Committee on 24th August 2016, agenda report, update sheet and minutes, and Crookham House (16/01074/S106BA) appeal decision.

Contact Officer Details

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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 24th September 2012.

14/02246/FULD

Site: Fairwinds

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

Approved 4th February 2015.

15/02667/FULEXT

Site: Fairwinds

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.

Approved 25th August 2016.

16/02479/COND1

Site: Fairwinds

Application for approval of details reserved by condition 17 condition Affordable housing statement of approved application 15/02667/FULEXT - 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.

Status – Still under consideration with a deadline of 9th December 2016.

2. PUBLICITY

Site Notice Expires: 7th December 2016

Neighbour Notification Expired: 20th October 2016

3. CONSULTATIONS AND REPRESENTATIONS

3.1 Consultations

Parish Council: Object.

1. The Council believes there should be affordable housing on this site.

2. The Council recommends there should be 3 or more units of affordable housing on this site.

Highways: I have checked the Decision Notice for 15/02667/FULEXT and as Condition 17 relates to the Affordable Housing element of the scheme I have no highway comments on this application.

Environmental Health: No objection.

3.2 Representations

9 Letters of objection received.

Summary of objections:

- Traffic implications
- Lighting
- Affordable housing is a community need

Traffic implications and lighting were considered during the previous application report attached in appendix 1. This application only intends to remove condition 17 (affordable housing) attached to planning consent 15/02667/FULEXT. Therefore affordable housing provision is the only matter to be considered in respect of this planning application.

4. Removal of condition 17 – affordable housing provision

4.1 On 24th August 2016 the Eastern Area Planning Committee (EAPC) considered the agenda and update report for planning application 15/02667/FULEXT for the erection of 17 new dwellings following demolition of the existing dwelling and clearance of the site, alteration of the existing access and associated landscape work. That report is attached at Appendix 1.

4.2 It was resolved by members at the previous Eastern Area Committee decision to attach a condition for five affordable housing units despite the district valuer (DVS) stating that the inclusion of affordable housing would result in the development being unviable in terms of providing a reasonable level of profit. DVS were consulted for and on behalf of the Council. The view formed by DVS was based on assessment of the applicant's viability appraisal report prepared by Haslams chartered surveyors who concluded that the development would be undeliverable on viability grounds if affordable housing was required.

4.3 Officers have reviewed several recent affordable housing viability appeal decisions and it is important to note that developer profit margin will vary from site to site and in different circumstances. There are many various 'rules of thumb' which are quoted when discussing what is a reasonable level of developer profit, and these tend to vary between 15% and 25%. That would tend to support a mid range figure in the region of 20%.

4.4 The only additional information submitted by the applicant is a statement referring to the EU referendum in which they state, "*the UK markets have suffered financially due to the political uncertainty and the impact of this on the UK property market is still unclear. Therefore, there is less confidence than usual in the probability of valuations coinciding exactly with the price achieved in construction and sale*" No further information has been submitted to change officer's views on the viability of the development. Officers therefore remain of the view that the applicants have demonstrated that the application would not be financially viable if affordable housing is provided and it is recommended that condition 17 is removed.

5. Community Infrastructure Levy

5.1 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 other public services. The CIL payment will be £299,468.23.

6. CONCLUSION

6.1 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.

7. RECOMMENDATION

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

7.1 Recommended conditions

1 Time Limit

The development shall be started before the 25th August 2019.

Reason: To enable the Local Planning Authority to review the desirability of the development to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) should it not be started within a reasonable time.

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

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.

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

The development shall be completed in accordance with the approved soft landscaping drawing number 669/01 within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first).

Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: A comprehensive soft 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. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

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 3rd 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, including any site clearance and/or demolition of buildings, 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.

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 development shall take place until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details will include the type of bin storage. No dwelling shall not brought into use until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse and recycling facilities within the site. 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 Supplementary Planning Document Quality Design (June 2006).

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 (9th 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 development shall take place until details of the cycle parking and storage space 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 retained for this purpose at all times.

Reason: To promote cycling by providing convenient and safe bicycle storage. 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), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

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.
- 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.

7. APPENDICES

- 1 EAPC Committee Report of 24th August 2016
- 2 Update report of EAPC on 24th August 2016
- 3 Minutes of meeting held on 24th August 2016
- 4 Crookham House (16/01074/S106BA) appeal decision dated 25th November 2016
- 5 Confidential EAPC Committee Report of 24th August 2016 (Restricted to Committee Members only)