

APPENDIX 3.

Extract from the Minutes of the Eastern Area Planning Meeting Held on the 24th August 2016.

Application No. & Parish: 15/02667/FULEXT – Stratfield Mortimer Parish Council

Fairwinds and Land at Tower House, The Street, Mortimer Common

(Councillor Graham Bridgman declared a personal interest in Agenda Item 5, by virtue of the fact that he had had discussions with objectors to the application. As his interest was personal and not prejudicial, or a disclosable pecuniary interest, he determined to remain and take part in the debate and vote on the matter)

Members received a confidential update regarding this item.

(At this part of the discussion Councillor Lee Dillon noted that his employer was one of the applicant's preferred affordable housing providers in regards to another site. Councillor Dillon deemed the interest to be a disclosable pecuniary interest and therefore left the meeting at 6.05pm)

(Councillor Sheila Ellison entered the meeting at 6:08pm)

(Councillor Lee Dillon declared a personal interest in Agenda Item 6 (2) by virtue of the fact that he worked for the affordable housing provider that the applicant had been in discussion with regarding another site. As his interest was a disclosable pecuniary interest he left the meeting and took no further part in the discussion or the debate)

(Councillor Graham Bridgman declared a personal interest in Agenda Item 6 (2), by virtue of the fact that he had had discussions with objectors to the application. As his interest was personal and not prejudicial, or a disclosable pecuniary interest, he determined to remain and take part in the debate and vote on the matter)
Councillor Lee Dillon had already left the meeting.

The Committee considered a report (Agenda Item 6(2)) concerning Planning Application 15/02667/FULEXT in respect of the erection of 17 dwelling following demolition of existing dwelling and clearance of the site, alteration of the existing means of access off The Street, and associated landscape work.

In accordance with the Council's Constitution, Mr Tony Butcher, Parish Council representative, Mr Stuart Whitaker, objector, and Mr Steven Smallman, agent, addressed the Committee on this application.

Mr Tony Butcher in addressing the Committee raised the following points:

- The Parish Council was concerned about the lack of the affordable housing
- From a technical planning perspective the Council could not find a reason to object
- The Parish were aware that development was needed and that the work that had

been undertaken into the Neighbourhood Development Plan was evidence of this.

The Parish Council admitted that if there was no affordable housing on the current site, they believed that to be satisfactory affordable housing would have to be supplied on the site behind.

Councillor Graham Bridgman informed the Committee that at the Neighbourhood Development Plan public hearing the applicant had said that they were committed to providing 40% affordable housing on the proposed site that was situated behind the site of the application before the Committee. Councillor Bridgman further asked if the Parish Council were aware of the news. Mr Butcher was not and said that he was pleased to hear the news.

Mr Stuart Whitaker, objector, in addressing the Committee raised the following points:

- The basic design and concept was not acceptable
- There was one central parking area, which at the previous Committee meeting a number of Councillors had raised concerns about
- A report by Dr Rachel Armitage had noted that a development which did not include allocated visitor parking increased anti-social behaviour in an area.
- The present design asked for bins to be held in an area that could lead to further antisocial behaviour
- Stephanie Edwards at the Council had sent an email explaining that according to the manual for streets the application would be contrary to advice given in manual for streets.
- The splay provided on the road was not acceptable and due to parents at the school parking on the main carriageway it would create a danger to residents leaving the development.

Councillor Emma Webster queried with Gareth Dowding the reference to the email regarding the manual for streets. Gareth Dowding explained that further down the email it explained that the number of houses and parking was acceptable with regard to the 85th percentile.

Councillor Bridgman further questioned why the Highways service had not differed their opinion with regard to vehicle movements when considering that the number of dwellings on the site would increase from 8 to 17. Gareth Dowding explained that although there was an increase in vehicles on the site, in comparison to the amount of traffic on the main Mortimer road it was not a concern. Mr Whitaker mentioned that the difference was the cars parked along the road and the speed of the cars on the road.

Mr Steven Smallman, agent, in addressing the Committee raised the following points:

- The scheme was modest and was within the settlement boundary
- It fitted in with the Core Strategy identifying Mortimer as a service village.
- It would comprise of 2 to 3 bedroom dwellings which were much needed and would complement the Neighbourhood Development Plan being developed.
- The viability assessment showed Members that affordable housing was not viable on this plot
- The proposal made effective use of a brownfield site.

Councillor Webster queried whether Mr Smallman and his clients still stood by the figures in the viability report. Mr Smallman responded that they did.

Councillor Graham Bridgman, speaking as Ward Member, raised the following points:

- The local issues that had been raised were in relation to density rather than in relation to the access road
 - He supported the Parish Council
 - The density and highways were in line with the developing neighbourhood development plan
 - There was a valid concern around the lack of affordable housing contribution
- Councillor Alan Law queried what parking policies had been used to determine the acceptability of the development. Gareth Dowding responded that it was the policies that were in place before the emerging Development Plan Document (DPD). David Pearson explained that the parking policies used were because the application had been submitted before the DPD went to Council in November 2015. As a rule of thumb, officers would use the new parking standard in DPD if an application was submitted after they were approved at Council in November 2015.

Councillor Tim Metcalfe queried whether if the internal road was going to be normal, adopted highway so that people could park on it. Gareth Dowding responded that it was.

Councillor Emma Webster started the debate by summarising her points that the design and layout provided no planning issues, and highways were also satisfied. However, there was a concern around no affordable housing. Councillor Webster queried whether it was possible to condition affordable housing. David Pearson responded that it was and that this had been done by Inspectors in the past.

Councillor Bridgman agreed with Councillor Webster and outlined that there were four options that members could take:

- 1) Approve – as is
- 2) Refuse due to no affordable housing
- 3) Approve with the possibility of an overage clause
- 4) Approve with the condition for five affordable units

Councillor Bridgman felt that the viability report had produced figures that were viable for affordable housing and proposed that the application was approved with a condition that stipulated the applicant had to construct five affordable dwellings.

Councillor Emma Webster seconded the proposal.

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

Conditions

1. 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. 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. 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. 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. 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. 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. 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. 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. 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;
- 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.

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. 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. 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. 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. 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. 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. 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. 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).

17. The development shall not begin until a scheme for the provision of five units of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location of the site of the affordable housing provision to be made which shall be distributed throughout the development and which shall consist of 30% percentage of the overall development unless otherwise agreed in writing by the Local Planning Authority.
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. No more than 80% of the market housing shall be occupied before the affordable housing is completed ready for occupation.
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no registered social landlord is involved).
- iv. The arrangements to ensure that such provision is affordable for both first and all subsequent occupiers of the affordable housing.
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the provision of affordable housing in accordance with the provisions of Policy CS6 of the West Berkshire Core Strategy (2006-2026) and Part 6 of the National Planning Policy Framework.

INFORMATIVE:

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. 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.
4. 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.
5. 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.

6. 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 applicant's behalf.

7. 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.

8. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

9. 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.

10. 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.

11. 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

12. 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.

13. 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.

14. 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.