

# Notice of Meeting



Scan here to access the public documents for this meeting

## Eastern Area Planning Committee

Wednesday 15 January 2025 at 6.30 pm

in the Council Chamber Council Offices  
Market Street Newbury

This meeting will be streamed live here: [Link to Eastern Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 14 January 2025 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

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

Date of despatch of Agenda: Tuesday 7 January 2025

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Eastern Area Planning Committee to be held on Wednesday 15 January 2025**  
(continued)

**To:** Councillors Alan Macro (Chairman), Richard Somner (Vice-Chairman),  
Jeremy Cottam, Paul Kander, Ross Mackinnon, Geoff Mayes,  
Justin Pemberton, Vicky Poole and Clive Taylor

**Substitutes:** Councillors Laura Coyle, Jane Langford, Janine Lewis, Biyi Oloko,  
Christopher Read and Joanne Stewart

---

# Agenda

## Part I

Page No.

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes**  
The Minutes of the meeting of this Committee held on 4 December 2024 will be to follow.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
  - (1) **24/01866/FUL Bucklebury** 5 - 26

<b>Proposal:</b>	Erection of a dwelling with associated parking and landscaping
<b>Location:</b>	Land at Middle Wood, Bucklebury
<b>Applicant:</b>	P and J Wood Supplies
<b>Recommendation:</b>	The Development Manager be authorised to GRANT conditional planning permission.



**Agenda - Eastern Area Planning Committee to be held on Wednesday 15 January 2025**  
(continued)

- (2) **24/01212/FUL Stratfield Mortimer** 27 - 40
- Proposal:** Demolition, 'Change of Use', alterations and erection of 4 no. dwellings (Class C3) and associated works.
- Location:** Land to rear of 37 to 39 King Street, Mortimer
- Applicant:** M and MI Jewell
- Recommendation:** The Development Control Manager be authorised to GRANT conditional permission.

**Background Papers**

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

*Sarah Clarke*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



This page is intentionally left blank

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/01866/FUL Bucklebury	29/10/24	Erection of a dwelling with associated parking and landscaping Land at Middle Wood, Bucklebury. P and J Wood Supplies

<sup>1</sup> Extension of time agreed with applicant until 17<sup>th</sup> January 2025.  
Pre conditions agreed on the 2<sup>nd</sup> January 2025.

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJCCS4RD0S100>

**Recommendation Summary:** The Development Manager be authorised to GRANT conditional planning permission.

**Ward Member(s):** Councillor Read

**Reason for Committee Determination:** The Council has received in excess of 10 objections and the officer recommendation is to approve. In addition the Ward Member called the application in.

**Committee Site Visit:** 07 January 2025

## Contact Officer Details

**Name:** Michael Butler  
**Job Title:** Principal Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Michael.butler@westberks.gov.uk](mailto:Michael.butler@westberks.gov.uk)

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the demolition of the existing temporary dwelling on the site and the erection of a 2 storey modern dwelling immediately to the north of that dwelling with associated parking and access.
- 1.3 The application site lies in the approximate centre of Middle Wood which lies to the south of the hamlet of Chapel Row in the parish of Bucklebury. The application site is surrounded by existing woodland. An associated wood/logging/firwood operation is associated with the proposal. Permission is sought under the exceptions policy for [inter alia] forestry dwellings in the countryside, in order to support the local rural economy. It is noted that the applicant provides logs for wood burning to the local area, plus other timber products as required.
- 1.4 Access to the site is as the existing drive/track which leads to Hatch Lane to the east through the woodland. This will not alter from the existing access situation. The dwelling itself will be of contemporary design with 3 bedrooms and an office with an integral garage at ground floor level with 3 parking spaces.

## 2. Planning History

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

Application	Proposal	Decision/ Date
08/01495/AGRIC	Temporary structure for storage of wood and equipment in association with managing woodlands.	Not required 2008
09/01424/AGRIC	Erection of shelter for workers, to include restroom, first aid point and storage.	Application required.  11/09/2009.
10/00317/AGRIC	Store for wood processing equipment.	Not required .24/03/2010
10/00924/AGRIC	Three drying sheds and a tractor store.	Not required.  16/06/2011.
11/01581/AGRIC	Proposed hard standing turning circle.	Application required. 30/08/11
11/02021/FUL	Area of Hardstanding - part retrospective.	Approved 11/11/2011
12/01227/FUL	Circular bund within sustainable forestry operation - retrospective.	Approved 4/12/12

16/03176/FUL	Change of use of land to residential for the positioning of a temporary mobile home as a forestry worker's dwelling (application for 3 years).	Approved 24/03/17
20/00261/FUL	Change of use of land to residential for the positioning of a temporary mobile home as a forestry worker's dwelling (application for 3 years). Section 73A application to vary Condition 1 of previously application 16/03176/FUL to allow the retention of the forestry worker's dwelling until 24th March 2023.	Approved 01/04/20
21/00760/AGRIC	Application to determine if prior approval is required for agricultural/forestry development under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Proposed development:: Wood store for drying wood.	Not required 21/04/21
21/02398/FUL	Installation of Glen Farrow GF175 Biomass Boiler and "40ft" log drying container.	Approved 23/11/2021
21/03222/FUL	Installation of Glen Farrow GF175 Biomass Boiler and "40ft" log drying container. Section 73 application to remove conditions 5 (nil import of lumber) and 6 (benzo [a] pyrene) of approved application 21/02398/FUL.	Approved 06/06/2022
22/01442/FULD	Erection of new dwelling .	Refused 12/08/22 Dismissed at appeal on the 19/01/24

2.2 It is noted that there has been a considerable planning history on the application site.

### 3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on the 25<sup>th</sup> September with an expiry on the 16<sup>th</sup> October.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local

finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	
New Homes Bonus	Yes	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil).
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party. Given the isolated location of the new dwelling site it is not considered that any local property rights will be interfered with in respect of this scheme.

#### 4. Consultation

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

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

<b>Bucklebury Parish Council:</b>	No objections raised. Note however that if the application is approved, conditions should apply re external lighting and removal of the existing dwelling on the site once the new one is completed.
-----------------------------------	--

<b>WBC Highways:</b>	Conditional permission is recommended. No concerns about the access or the parking on the site and no increase in residential traffic generation.
<b>Council Archaeologist</b>	No objections raised.
<b>Council ecologist.</b>	Conditional permission be granted.
<b>Suds</b>	Additional information on drainage infiltration rates are requested Details awaited. In the absence of the details a pre condition will be applied.

### ***Public representations***

- 4.2 Representations have been received from 14 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Will set a harmful precedent if approved for possibly more housing on the site.
  - Harm to the local ecology and environment.
  - Increased noise and traffic from the site.
  - Harm to the North Wessex Downs NDL
  - Inappropriate development in the area. Poor design.
  - Non compliance with planning conditions in the past.
  - Increased nuisance from the site.

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5 and CS13 and CS17 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies C5 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF) 2024
  - Planning Practice Guidance (PPG)
  - North Wessex Downs AONB Management Plan 2019-24

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development -policy C5
- Ecology
- Other issues raised by objectors.

### 6.2 Principle of development

- 6.3 Normally the replacement of dwellings in the rural areas outside any defined settlement is permitted on a one to one basis , subject to criteria such as access issues, if any. In this case the dwelling to be replaced has a temporary permission only which in fact expired on the 24<sup>th</sup> March 2023. No action has been taken since the applicant was in the process of seeking regularisation of the situation via the submission of application number 22/01442/FULD for a permanent replacement dwelling . This application was rejected on three grounds , namely scale, bulk and mass leading to a visual impact in the AONB [now NDL] , insufficient financial viability information to justify the new dwelling and finally a lack of ecological information.
- 6.4 The applicant subsequently took the application decision to appeal which was dismissed . It is necessary for the Committee to note that the Inspector only rejected the appeal on ecological grounds: the Council following submission of further evidence accepted that the commercial business on site could support the ongoing costs of the new build as proposed . The Inspector agreed with the appellant that the scale and design of the new dwelling was acceptable in the location identified-it is noted that the design of this current application and its siting is identical to that dismissed at appeal.
- 6.5 Significant weight is required to be attached to any recent appeal decision corresponding to a planning application which is subsequently submitted on a similar basis. This is the case here. Accordingly in the view of the officers it is only necessary to now consider in detail if the additional ecological information submitted with the application can overcome the objection of both the Council and the Inspector, having due regard to the significance of the surrounding ancient woodland and its ecological value.
- 6.6 Having said that the other criteria contained in policy C5 will now be considered for completeness.
- 6.7 Policy C5 notes the following:
- 6.8 “New dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where: i. It is proven as essential to the continuing use of land and buildings for agriculture, forestry or a rural enterprise; ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full time worker in that location; iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion. iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries; v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation; vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings; vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the

landscape will be the overriding consideration; viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need. Where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years. Any permission will be subject to a condition restricting the use of the property to persons employed within the rural enterprise. Agricultural occupancy conditions will be retained unless demonstrated that there is no continuing need, that appropriate marketing has been undertaken and that it cannot meet an existing local housing need.”

6.9 In relation to criterion 1, the Council is satisfied that the applicant has successfully demonstrated a continuing need for the occupation of the site by a permanent dwelling. It is noted that on site security is an important component of the business with much valuable machinery being on site. Criterion 2 in part relates to this fact . In terms of alternative dwellings there are 2 cottages at the end of the access drive but not in the ownership of the applicant. In addition it is considered , that these are too remote to effectively “police” the site in terms of security. Chapel Row is the nearest built up area [but with no settlement boundary] and is over 570m distant. [Criterion 4]. Next, in terms of the ongoing future financial viability of the operation on site, the applicant has provided updated accounts demonstrating the profits made in the forestry business which is substantial. In addition, the applicant has updated a financial report to the officers of the Council in October 2024. The consultants [RAC] have concluded that the figures provided from the 2024 audited accounts clearly justify the payment of a minimum agricultural wage plus the ongoing investment in buildings and machinery, plus the mortgage on the build costs of the new dwelling. Given this has not been in dispute with the Council in any event it is concluded that this criterion is satisfied. The next two criteria relate to the size of the proposed dwelling, and its impact on the NWD ND. Your officers have read the appeal decision which is appended to this report for clarity. It is clear from the Inspectors reasoning in his letter that it was considered that whilst the new dwelling was indeed larger than the temporary one, this was to be expected and he did not believe it to be so big as to merit rejection. In addition given the excellent local screening afforded by the area around the dwelling any wider visual impact on the ND would be minimal -there is no street scene to be harmed as such. In addition, there are no heritage assets which would be impacted by the development ie no conservation areas or listed buildings adjoin the site. He concluded that the scale of the dwelling was functionally well related to the scale of the existing enterprise, and your officers do not resile from that view. Finally, it is acknowledged that no other dwelling on the holding has been sold off in the last 10 years, .

6.10 It is concluded that the application now meets all of the criteria in policy C5. Having said that it is now necessary to examine the ecological implications of the application

### **6.11 Ecology**

Policy CS17 in the WBCS notes that, in summary, applications if permitted should not cause harm to ecologically valuable areas such as SSSIs and nature reserves, plus the habitats of protected species must be conserved. Middle wood as part of the wider Carbins wood area is a local wildlife site and a biodiversity opportunity area. This forms part of local ancient woodland. The applicants submitted an ecological appraisal which has noted that the “Site is dominated by improved grassland within the associated amenity garden but also feature a native, immature defunct hedgerow, individual trees, a building and hardstanding. Under the current development proposals, the works will affect areas of improved grassland, hardstanding and the immature, native hedgerow which are considered low in ecological value. An assessment was also undertaken of the likely presence or absence of protected and notable animal species within the zone of influence of the proposed development. A desk study was undertaken for designated sites and protected species and habitat records within 2 km of the site. Data searches were requested from TVERC for all records on notable species,

designated sites, priority habitats and ecological networks within a 2km radius of the site boundary. An assessment of the value of the Site for both commuting and foraging by bats was carried out following one bat activity survey, paired with a static detector survey which revealed district/local or parish levels of pipistrelle, brown long-eared, serotine, noctule and myotis species foraging and commuting within the local area. The building inspection assessed the existing main dwelling to hold a negligible potential to support roosting bats, but with commuting and foraging potential within the surrounding ancient woodland habitat. In line with the Bat Conservation Trust guidelines (2018), a single bat activity survey (with static detector survey) was carried out in 2024. During these surveys, no bats were observed roosting on the area of the main dwelling to be impacted. Activity in the surrounding area was low to moderate with six different species recorded in total. The most regular activity was foraging along the ride to the east of the site, on the woodland edge by Pipistrellus species. Therefore, there are no known constraints regarding these species and the proposed development. In the unlikely event that a bat is discovered during the works, all works must cease and a bat licensed ecologist contacted for advice. In terms of proposed enhancements, these include the installation of bat and bird boxes, a new mixed native hedgerow, native prunus tree planting, habitat piles and pond enhancement. A detailed scheme for landscaping for the site has been included in addition. The report author concludes that there will be an acceptable impact on the local ecology of the site.

6.11 The Council Ecologist has reviewed the details as submitted above and has concluded that in this case sufficient information has indeed been submitted with the application to ensure no ecological harm will arise from the development if it proceeds. Accordingly, the scheme will comply with the advice in policy CS17 in the WBCS of 2006 to 2026.

## **6.12 Issues raised by objectors.**

6.13 A number of the objections raised do not relate specifically to the application in hand, rather the concerns about the impact the forestry business is having upon the local area and whether this application, if permitted would simply serve to cause further expansion of the site with worries about precedent.

6.14 It is the case that the business does cause some impact on the local area due to increased traffic movements, but this has all been acknowledged and accepted via the past permissions on the site-see the planning history. It is also necessary to refer to policy CS10, which seeks to actively support small and medium sized businesses in the rural area. This is exactly what is occurring on site, with the applicant providing not only local job opportunities but also a service to the local community, it is understood. In terms of noise the closest dwelling is over 500 metres distant, so impact on amenity is considered to be minimal, and forestry is to be an expected business operation and form of land management in rural parts of the District.

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

7.1 The application is supported. The Council Ecologist has indicated in the revised submission that the ecological implications of permitting the proposal is accepted under policy CS17 with appropriate conditions. This has overcome the Inspectors concerns from the last appeal. In addition the scheme meets all the tests in policy C5 in the HSADPD. If permitted, the development will support a legitimate rural business in accord with the advice in policy CS10 in the WBCS. It will accordingly have economic benefits whilst having an acceptable environmental impact.

- 7.2 Conditions will however need to be applied to ensure that any future occupation of the approved dwelling is directly associated with the forestry business on site and the existing temporary dwelling is demolished once the new dwelling is ready for occupation.

## 8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p><b>Approved plans</b></p> <p>The Development must be carried out in strict accord with the following approved plans all job number AL 01567. Plans 01B , 02 A, 03-06 inclusive.</p> <p>Reason . To clarify the permission in accord with the advice in the DMPO of 2015.</p>
3	<p><b>Occupancy restriction</b></p> <p>The occupancy of the new dwelling hereby permitted is restricted ONLY to any person or his/her dependants employed full time at the forestry business at the application site. At no time shall any other person reside at the site.</p> <p>Reason. The application has been permitted only on the exception basis of agricultural/forestry dwellings in the rural area under policy C5 in the HSADPD of 2017, by virtue of demonstrating the need for a dwelling on the site in association with the forestry business.</p>
4	<p><b>Demolition of dwelling</b></p> <p>Within three months of first occupation of the new dwelling hereby approved, the existing temporary dwelling to the south of the application site shall be demolished in its entirety, and all spoil removed from the site.</p> <p>Reason. To avoid the proliferation of dwellings in the rural area which would be contrary to policy CS1 in the WBCS 2006 to 2026. In addition the existing temporary dwelling is now unauthorised.</p>
5	<p><b>EV point</b></p> <p>The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site</p>

	Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
6	<p><b>CMS</b></p> <p>No development shall take place until a Construction Method Statement has been approved by the LPA for the development . It shall then be built out in strict accord with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"> <li>(a) The parking of vehicles of site operatives and visitors</li> <li>(b) Loading and unloading of plant and materials</li> <li>(c) Storage of plant and materials used in constructing the development</li> <li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li> <li>(e) Wheel washing facilities</li> <li>(f) Measures to control the emission of dust and dirt during construction</li> <li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>(h) A site set-up plan during the works</li> </ul> <p>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, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (7Saved Policies 2007).</p>
7	<p><b>Visibility splays</b></p> <p>No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access onto Hatch Lane. . The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.</p> <p>Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p> <p>Reason. To ensure site safety in accord with policy CS13 in the WBCS of 2006 to 2026</p>
8	<p><b>SUDS</b></p> <p>No development shall commence until the applicant has provided full details of the infiltration rates across the application site. These rates shall then inform the submission of a suds strategy across the site which must be submitted to and receive approval from the LPA. The scheme shall then be built out in strict accord with the as approved drainage strategy.</p> <p>Reason . To ensure drainage on the site is acceptable having regard to the advice in policy CS16 in the WBCS of 2006 to 2026.</p>
9	<p><b>Ecology</b></p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (August 2024, Wild Earth Ecology), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p>

	<p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
10	<p><b>Ecology enhancements</b></p> <p>All the ecological enhancement recommendations in the Ecological Impact Assessment (August 2024, Wild Earth Ecology), the following enhancements should be evidenced by means of photographs of the features in-situ submitted to the local planning authority.</p> <ol style="list-style-type: none"> <li>1. 1x refugia pile made from deadwood to provide a habitat space for reptiles, amphibians, hedgehogs and invertebrates, located on the north-western side of the site.</li> <li>2. 1x Bird box to be installed on a suitable tree on site or on another existing building on site at the direction of the project ecologist.</li> <li>3. 2x bat boxes or tubes should be installed in the southern and/or western elevation of the new building to provide roosting opportunities in the new building.</li> <li>4. Native planting as recommended by the Ecological Impact Assessment (August 2024, Wild Earth Ecology) should be adhered to in order to provide enhancement to existing habitats and the creation of new ones on the site, further enhancing biodiversity.</li> </ol> <p>Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 and to ensure compliance with the condition.</p>
11	<p><b>Lighting</b></p> <p>Prior to commencement of works, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall;</p> <p>Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;</p> <p>and show how and where external lighting will be installed (through the provision of appropriate Isolux contour plans and technical specification sheets) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Presence of bats roosting at the site was not confirmed during the applicant’s bat surveys, although the use site for foraging and commuting was identified. Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>



**CEMP**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

1. Risk assessment of potentially damaging construction activities.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect biodiversity in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 and to ensure compliance with the condition. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

This page is intentionally left blank



## Appeal Decision

Site visit made on 8 November 2023

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19<sup>th</sup> January 2024**

---

**Appeal Ref: APP/W0340/W/23/3314189**

**Middle Wood, Hatch Lane, Chapel Row, West Berkshire, Reading RG7 6NY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Wakelyn on behalf of P and J Wood Supplies against the decision of West Berkshire District Council.
  - The application Ref 22/01442/FULD, dated 16 June 2022, was refused by notice dated 12 August 2022.
  - The development proposed is the erection of a dwelling with associated parking and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published, however the changes do not materially alter the policies within the Framework most relevant to this appeal.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the avoidance of doubt, I have used the term AONB which remains in the latest version of the Framework.
4. My attention is drawn to the emerging West Berkshire Local Plan Review (2022-2039) which has been submitted for examination since the determination of the planning application. Although not referred to in the Council's refusal reasons I have been provided with copies of the policies the Council consider to be of relevance. However, there is no indication as to whether the examining Inspector agrees to the emerging policies nor whether they are subject to unresolved objections. I therefore give the emerging policies limited weight.

### Background and Main Issues

5. The Council's first refusal reason includes reference to the lack of information relating to the financial viability of the existing business to justify a permanent dwelling. A 'Supporting Agricultural Justification Statement' prepared by Reading Agricultural Consultants dated November 2022 (RAC), was submitted as part of the appeal. In light of this the Council has confirmed that it is satisfied that the business is financially viable, and, in that regard, the proposal would accord with criteria (v) of Policy C5 of the Council's Housing Site Allocations Development Plan Document adopted May 2017 (DPD).

6. The main issues are therefore i) the effect of the proposed development on protected species, biodiversity and ancient woodland; ii) whether the dwelling would be commensurate with the needs of the enterprise, with regard to its size; and iii) the effect of the proposed development on the character and appearance of the area, having specific regard to the North Wessex Downs Area of Outstanding Natural Beauty.

## **Reasons**

### *Biodiversity*

7. The appeal site comprises a timber cabin which sits on an existing small clearing within Middle Wood. The woodland forms part of the wider area of Carbins Wood/Dollimers Copse which is identified as an ancient woodland and Local Wildlife Site. I note the Council's concern that the development, of the scale and height proposed, may harm the ancient woodland, and fauna, including protected species, in the important habitat through increased disturbance.
8. A Protected Species Walkover and Bat Assessment prepared by AEWL Ltd dated November 2022 was submitted with the appeal. It concludes that the site itself has some limited potential for breeding birds, however, badgers, great crested newts, and hazel dormice are unlikely to be present on the site. Furthermore, the existing building has negligible potential to support roosting bats. Nevertheless, the assessment highlights that the surrounding woodland offers foraging and refuge opportunities for reptiles and suitable habitat for great crested newts, and consequently these species may pass through or use the site on occasion. The ancient woodland also offers foraging and roosting opportunities for bats and has potential for hazel dormice to be present.
9. The Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. My attention has also been drawn to standing advice published by Natural England and the Forestry Commission which recommends that for ancient woodlands, development proposals, including gardens, should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage.
10. The appellant highlights that the proposal would not involve the removal of any trees within the woodland. Notwithstanding this, the standing advice sets out that indirect effects of development can also cause the loss or deterioration of ancient woodland by, among other things breaking up or destroying working connections between woodlands, thus affecting protected species, increased pollution of various types, disturbance to wildlife through additional activity and pressure for tree management.
11. The proposal would fall within the buffer of the ancient woodland recommended in the standing advice. I appreciate that the site, which is currently occupied by the cabin and its associated domestic garden, is already within this area. Nonetheless, the proposed 2 storey dwelling would be significantly closer to the edge of the woodland and considerably greater in size and height than the existing cabin. Moreover, given the scale of the development, it would be likely to lead to an increase in the intensity of the residential use when compared to the existing situation.

12. Some of the potential risks to the ancient woodland and associated biodiversity could be managed through appropriate planning conditions to secure appropriate precautionary measures. However, others such as earthworks and light spillage from windows in the dwelling, are unavoidable, given the very close relationship proposed. There is nothing before me to demonstrate that the proposal would not result in the deterioration of the ancient woodland habitat or that it would not adversely affect biodiversity interests, including protected species, close to the site in relation to the ancient woodland. As such, I cannot be certain that adverse effects would not arise in that regard because of the proposals.
13. I acknowledge the appellant's interest in woodland management and that they have a felling licence which allows certain woodland management work to be carried out within the ancient woodland. However, there is nothing before me to suggest that the effects of such woodland management activities would be comparable to that of the potential effects of the new dwelling.
14. Accordingly, for the foregoing reasons I find that there is insufficient evidence to demonstrate that the development would not harm the adjoining ancient woodland, including its biodiversity interests. The proposal would therefore conflict with Policies CS17 and CS18 of the West Berkshire Core Strategy (2006-2026) Development Plan Document adopted July 2012 (WBCS) which seek to protect and enhance biodiversity and green infrastructure and the provisions of the Framework which aim to conserve and enhance the natural environment.

#### *Size*

15. Policy C5 of the Council's Housing Site Allocations Development Plan Document adopted May 2017 (DPD) sets out that new dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where specific criteria are met. This includes, among other things, that (vi) the size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise, and well related to existing farm buildings or associated dwellings. Policy C5 does not stipulate any specific limitations on the size of rural worker dwellings.
16. There is no dispute regarding the functional need for residential accommodation in association with the forestry business at the site. The Council also agree that the appellant's submissions demonstrate a growing business with the funds available to construct a permanent dwelling.
17. I note the Council's contention that the development in terms of size and nature is not commensurate to the needs of the enterprise. However, it is unclear as to which parts of the accommodation would be surplus to requirements. The proposed dwelling, which includes office space to be used in connection with the business, and an integral garage, would have a gross internal floor area of 202m<sup>2</sup>. It would comprise 3 bedrooms and would not be unduly opulent or spacious in nature and does not include facilities beyond those required to meet day to day needs of the occupants.
18. The dwelling would be greater in size than the existing temporary accommodation. However, temporary rural workers' accommodation, which is often occupied in association with a newly established business, by its very nature is likely to be more modest in size than a permanent dwelling. Whilst

the accommodation may exceed the national space standards set out in the Technical housing standards – nationally described space standard (March 2015) for a 3 bed 6 person dwelling, the floor areas therein are minimum standards which are intended to prevent substandard accommodation. Furthermore, there is no policy requirement that the potential for the retention and adaptation of the existing temporary accommodation should be explored in the first instance.

19. For the forgoing reasons, I am satisfied that the size of the dwelling would be appropriate to the needs of the appellants business. The proposal would therefore accord with Policy ADPP1 of the WBCS which sets out the spatial strategy for new housing development, including that appropriate limited development in the open countryside will be allowed, and Policy CS1 of the WBCS which requires new homes to be located in accordance with the spatial strategy. It would also accord with Policy C1 of the DPD which sets out a presumption against new houses in the countryside, aside from specific exceptions, including housing to accommodate rural workers, and Policy C5 of the DPD, and the provisions of the Framework with regards to new housing in the countryside.

#### *Character and appearance*

20. The nature of the existing buildings on the site and the woodland setting contribute positively to the rural character and appearance of the area. The nearby residential properties include single and 2 storey semi-detached and detached dwellings of a mix of architectural styles and ages, with external materials such as render, timber cladding and brick. As such, despite its contemporary appearance, and the increase in size over and above the existing timber cabin which it would replace, the overall scale and design of the proposed dwelling would not be at odds with the residential development in the vicinity or the rural context of the site.
21. The appeal site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Paragraph 182 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs which have the highest status of protection in relation to these issues.
22. With regards to new housing, Policy ADPP5 of the WBCS sets out that the AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Policy C5 of the DPD sets out that rural workers dwellings will be permitted where, among other criteria, the development has no adverse impact on the rural character of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration.
23. The site falls in the Cold Ash Woodland and Heathland Mosaic local character area as identified in the West Berkshire Landscape Character Assessment dated August 2019 (LCA). The LCA highlights that the valued features and qualities of the area include the mosaic of ancient semi-natural woodlands. The nature and appearance of the appeal site and its surroundings reflect these characteristics.
24. The proposed dwelling would be sited within the confines of the area of land which forms the garden area to the existing temporary accommodation and like

the existing development at the site, by virtue of its woodland location, would not be visible from the surrounding area. Therefore, given the scale and design of the proposal and the context of the site, the development would not be visually intrusive in the wider landscape or undermine the special qualities of the LCA.

25. Furthermore, the proposed development would not harm the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. In that regard it would accord with Policy ADPP5 of the WBS and the combined aims of Policies CS14 and CS19 which seek high quality design and development that is appropriate in terms of, among other things, scale and design in the context of the existing settlement form, pattern and character.
26. It would also accord with Policy C3 of the DPD which requires the design of new housing in the countryside to have regard to the impact on the landscape character of the area and its sensitivity to change and Policy C5 of the DPD. It would also reflect the aims of the Quality Design - West Berkshire Supplementary Planning Document Series Part 1 Achieving Design Quality (adopted June 2006) and the Bucklebury Vision Parish Design Statement (2019) which sets out that new buildings should respect, among other things, the scale, density and style of existing buildings, and the aims and objectives of the North Wessex Downs Area of Outstanding Natural Beauty Management Plan (2019-2024) with regards to the vision for the AONB.
27. The proposal would also satisfy the requirements of the Framework in respect of promoting high-quality design and conserving and enhancing the landscape and scenic beauty in AONBs.

### **Other Matters**

28. I have had regard to other matters raised by interested parties including the potential for future development at the site, and noise and disturbance associated with construction traffic. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

### **Conclusion**

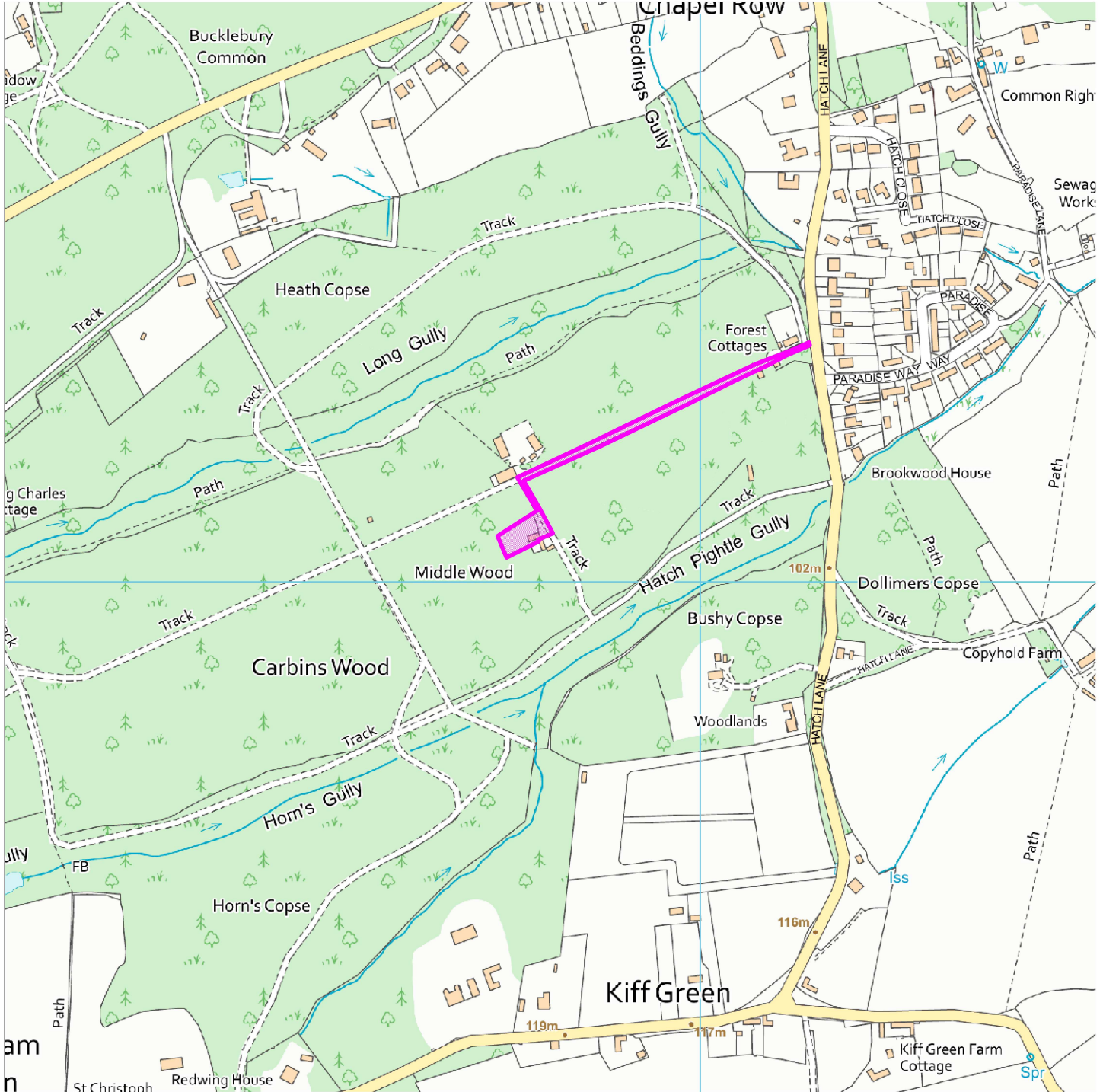
29. I have found that the proposal would be appropriate in terms of its size and would not have an adverse effect on the character and appearance of the area or the scenic beauty of the AONB. Nonetheless, it has not been demonstrated that the proposed development would not harm the adjoining ancient woodland, including its biodiversity interests.
30. As such the proposed development would be contrary to the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

*E Worley*

INSPECTOR

This page is intentionally left blank





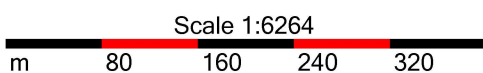
Map Centre Coordinates :

Scale : 1:6263

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	19 December 2024
<b>SLA Number</b>	0100024151



This page is intentionally left blank

# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/01212/FUL Stratfield Mortimer	26 <sup>th</sup> August 2024	Demolition, 'Change of Use', alterations and erection of 4 no. dwellings (Class C3) and associated works.  Land to rear of 37 to 39 King Street, Mortimer  M and MI Jewell

<sup>1</sup> Extension of time TBC

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SF2IESRD0S100>

Recommendation  
Summary:

The Development Control  
Manager be authorised to GRANT  
conditional permission.

Ward Member(s):

Councillor Carter, Councillor  
Mayes, Councillor Poole

Reason for Committee  
Determination:

Application called to Committee  
by Councillor Carter but in  
addition 10 objections now  
received.

Committee Site Visit:

27 November 2024

## Contact Officer Details

Name: Michael Butler  
Job Title: Principal Planning Officer  
Tel No: 01635 519111  
Email: [Michael.butler@westberks.gov.uk](mailto:Michael.butler@westberks.gov.uk)

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 It is necessary for the Committee to note in terms of timeline that the original plans proposed the erection of 5 dwellings by the applicant but after concerns were raised by the case officer over parking, overlooking and overdevelopment issues, the application was formally revised down to 4 dwellings and accordingly re advertised.
- 1.3 This application seeks planning permission for the demolition of all the commercial buildings on the application site and the erection of 4 new dwellings with associated access, parking and garden areas, with landscaping, bin stores and so forth. Two of the dwellings will be detached at 2 storey level with 4 bedrooms each the others will be a 2.5 storey semi detached pair of dwellings with 3 beds each. Car parking will be provided across the application site with a total of 18 parking spaces and car ports proposed. The existing vehicle access off Kings Road will be utilised in addition. As parking on site has been the subject of many objections [ie apparent lack of] the following is noted:
- 1.4 Existing dwellings facing King street will each have 2 spaces each so giving 6 spaces. Then plots 1 and 2 will each have 2 spaces whilst plots 3 and 4 will have 3 spaces each. In addition, there will be 2 visitor spaces on site provided. This gives a combined total of 18 spaces for the whole development [ 12 spaces for the as new].
- 1.5 In terms of the layout of the site, and the application is previously developed and lies in the defined settlement boundary of the village. It is located behind 37-39 King Street which will remain on site -these are in use as flats and a dog grooming centre plus an element of retail use. To the east of the application site lies the Parish Recreation Ground whilst in all other directions lies existing housing.
- 1.6 Plots 1 and 2 [the semi detached pair] will lie immediately to the rear [ie ] east of 37-39 King Street . The other two plots 3 and 4 will lie to the east [rear] of 35 King Street with rear gardens facing east ie the Recreation Ground. The layout plan in the presentation will show this.

## 2. Planning History

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

Application	Proposal	Decision / Date
13/01832/FUL	Change of use from retail with sui generis dog grooming unit.	Approved 7/11/18
14/00572/FUL	Retrospective -Cou of motor workshop to B2 use.	Refused 14/8/14.  Allowed at appeal.

### 3. Legal and Procedural Matters

- 3.1 Environmental Impact Assessments (EIA): Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Publicity: Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed for the original plans of 5 dwellings on the 17<sup>th</sup> July 2024. Expiry on the 7<sup>th</sup> August 2024. The amended plans notice was the 26<sup>th</sup> September with expiry on the 10<sup>th</sup> October 2024.
- 3.3 Local Financial Considerations: Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 Community Infrastructure Levy (CIL): CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 The CIL liability for the site will be calculated by the CIL team if the application is approved and built out.
- 3.6 New Homes Bonus (NHB): New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those

developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

3.7 Public Sector Equality Duty (PSED): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to -

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

3.11 Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party. The only matters which need to be taken into account in the consideration of this application are potential overlooking of adjoining property.

#### 4. Consultation

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

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

Stratfield Mortimer Parish Council:	Objection on parking and access grounds -detailed points made plus increase in traffic generation on local roads.
WBC Highways:	The parking on site is accepted and the access is also satisfactory. Conditional permission recommended.
Waste Services.	A bin collection point needs to be identified on King Street for the development. It is not acceptable for the applicant to note that a private waste company will collect the waste as all occupants will pay Council tax so there is a statutory obligation for the Council to provide waste collection services.  This matter now resolved. No objections from the waste officer.
Suds	More information required on the drainage strategy across the application site. A full suds report has been submitted. Views awaited.
Trees	Notes that mature trees about the eastern boundary of the application site which will need to be duly protected during the construction process particularly the root protection areas. Conditional permission is recommended.

##### *Public representations*

- 4.2 Representations have been received from 10 contributors, all of which object to the scheme.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- 4.4 Lack of car parking on the site leading to undue parking pressures being created on the adjacent roads of King Street and Windmill Roads. The access to the site itself is also poor. Effect on the privacy of surrounding neighbours. Traffic generation will rise to the detriment of the vicinity.

#### 5. Planning Policy

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

- Policies ADPP1 and ADPP6, plus CS1 and CS13, of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2017 (HSA DPD).
- Policies of the Stratfield Mortimer Neighbourhood Development Plan (2017). Policies RS3, RS6, HD4, GD1, GD2, and GD5.

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development.
- Character and appearance.
- Impact on local amenity.
- Parking and Highways.

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

6.2 Policy ADPP1 in the Core Strategy [CS] notes that the majority of new development should be located within identified settlements, ideally on previously developed land. In addition, Stratfield Mortimer is identified as a rural service centre which is second in the overall hierarchy of settlements across the District in terms of the good range of local facilities available and other communications. In addition, policy ADPP6 in the same plan notes that [inter alia] Burghfield Common and Mortimer will be the main focus for any new housing, subject to the constraints of the DEPZ for AWE Aldermaston and Burghfield-none of the village of Mortimer lies in the DEPZ. Next policy CS1 notes that [ in the first bullet point] that new homes will be constructed on brownfield sites within settlements. A good range of housing types will also be encouraged to meet local needs.

6.3 Policy CS4 notes that new non allocated [windfall] sites should respect the prevailing nature and character of an area, and should be of an appropriate density. These issues are promoted via the policies set out in the Stratfield Mortimer Neighbourhood Development plan.

6.4 Accordingly, to conclude there is no doubt that the present application site is acceptable in principle for new housing -the fact that it is an employment site does not preclude this, since whilst some jobs will be lost on site [ about 2 no] the site is not a protected employment site in the WBCS under policy CS9. The site in addition lies in a sustainable location.

### ***Character and appearance***

6.5 The applicants agent has submitted a detailed design and access statement which has assisted the case officer in assessing the proposal in terms of its future potential impact on the local area and street scenes -albeit this is a "back land site location. Firstly, it is important for the Committee to recall that the existing buildings on the site are in poor repair and unattractive, with little investment being made recently on site. They add very little visually to the area and indeed the employment use is now effectively a non conforming one in this predominantly residential area.



6.6 Secondly the design and scale of the proposed new houses, whilst relatively large when compared to eg the cottages on the immediate street frontage, are considered appropriate in this area where there is no defined “type” of housing, but rather an eclectic mix which actually all adds to the overall varied and attractive nature of the area. It is accepted that 2 of the dwellings are 2.5 storeys high with rooms in the roof but this is tacitly accepted by policies in the Stratfield Mortimer NDP noted above.

6.7 The proposed design of the dwellings is traditional, with appropriate external facing materials of brick and tile. Half hips are used as well.

6.8 Policy RS3 in the SMNDP states that any new residential developments within the new Mortimer Settlement Boundary (MSB), must comply with the policies of this Plan. Policy RS4 suggests that the rural edge of any development must be carefully designed and landscaped to blend into the surrounding rural landscape rather than creating the effect of a hard edge. Policy HD4 provides guidance on the density of homes stating that new developments shall:

- where they abut existing residential areas, be similar in character, scale and grain of that/those existing developments

- respect the semi-rural nature of the parish and be designed to give an impression of spaciousness with uniform houses and plots being avoided

- diminish as the development approaches the open countryside, blending in seamlessly.

6.8 In this case, the application site abuts open space to the east, so it is important that this soft visual buffer is not harmed by the new development. By locating plots 3 and 4 away from the eastern boundary with rear garden plots facing east this will help in ameliorating any possible wider visual impact on the western boundary of the recreation ground for Mortimer at this location. In addition, there are 2 bungalows which abut parts of the red line site [ number 35 King Street and number 84 Windmill Road] which clearly are not directly in keeping with the dwellings on the scheme-however if the LPA had insisted on single storey dwellings this would have made a poor use of urban land decreasing the relatively low density even more, on site. This would be contrary to the advice in the NPPF about making the most efficient use of urban land, if possible.

6.9 Finally, it is noted that the mature tree screen to the east of the application site will need to be protected during the demolition and construction process, once implementation begins. The tree officer is recommending conditional permission to the proposal. Accordingly this meets the requirements of policy CS19 in the WBCS.

#### **6.10 Impact on amenity**

6.11 Plots 1 and 2 lie behind 37 -39 King Street. Intervening will be the 6 parking spaces to serve the former. Whilst it is noted that no external amenity space is being provided for the existing 3 flats, which would have been a planning gain, as they are existing it is not possible for the Council to insist upon this. It is fortunate that the recreation ground is close by, however. Plot 2 will cause a degree of oblique overlooking at first floor level across the rear garden of number 35 King Street, but this is the type of situation one would normally expect in an urban situation such as this. In addition, at first floor level, the rear garden of number 35 will be overlooked by both plots 3 and 4 from their western elevation/aspect, but it is considered that the separation distances are reasonable, causing a degree of impact, but not so harmful as to merit rejection of the scheme proposed. In terms of any impact on the amenities of number 84 Windmill Road, this is minimal as it is only the flank [northern] elevation of plot 3 which will lie adjacent that plots garden. There will however be a degree of overshadowing from the south, which will have some impact on the rear garden. Number 84 does however have a very generous plot area to the north facing Windmill Road.

6.12 Finally, the physical relationship between the flank of plot 1 [north elevation] to the rear of plots 78a and 78b Windmill Street will not cause any overlooking and the separation is good, with the intervening internal access route proposed.

6.13 To conclude the officers consider that whilst there will be a degree of impact on local amenity caused by the scheme, it will not be harmful.

#### **6.14 Parking and highways.**

6.15 This has been the issue with which most objectors have been concerned, Firstly the Committee need to be aware that the local residents have become used to experiencing a site which has been consistently underused for some time with little traffic generation of parking pressures consequently arising. Secondly the application is helpfully formalising the off street parking facilities for the 3 existing flats on King Street which is a “gain” in relieving parking pressures on that street. Thirdly policy P1 in the HSADPD sets out the parking standards needed for new housing in what is zone 3. This is 2.5 spaces per 3 bed dwelling and 3 spaces per 4 bed dwelling. Whilst the latter standard is achieved for plots 3 and 4, only 2 spaces are provided for plots 1 and 2, being the 3 bed ones. However, given the fact that firstly non allocated visitor spaces [ 2 no] lie nearby and secondly the site does lie in a fairly central location in the village the highways officer is not objecting to the application on parking grounds.

6.16 Objections have also been raised in relation to the new access onto King Street. Firstly, this is not new but existing. Secondly the desired forward visibility splays are accepted for the traffic speeds noted which are low, and thirdly the expected traffic generation from the dwellings [ about 8 movements daily per dwelling] at 32 per day is not so significant as to merit an objection, particularly given the existing employment nature of the site. Accordingly, highways have raised no concerns with the application and the officers share that view.

6.17 Lastly the waste officer has not objected to the waste collection point being adjacent King Street. Whilst this is a long carry distance for future occupants that would not normally be encouraged, no waste vehicles will be entering the site as they will not be able to turn on site easily. For this number of dwellings the local highway authority cannot insist on the future adoption of the internal highway.

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

7.1 The application has much to commend it. The only possible objection would be the loss of the employment site, but there would be nothing to stop the owner/applicant from closing the commercial garage anyway. Accordingly, if approved it will mean the beneficial use of an underused unattractive site in a sustainable location providing 4 more dwellings. Access and highways issues are accepted as are the design and character of the layout/dwellings and impact on local amenity will be less than harmful.

### **8. Full Recommendation**

8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

#### *Conditions*

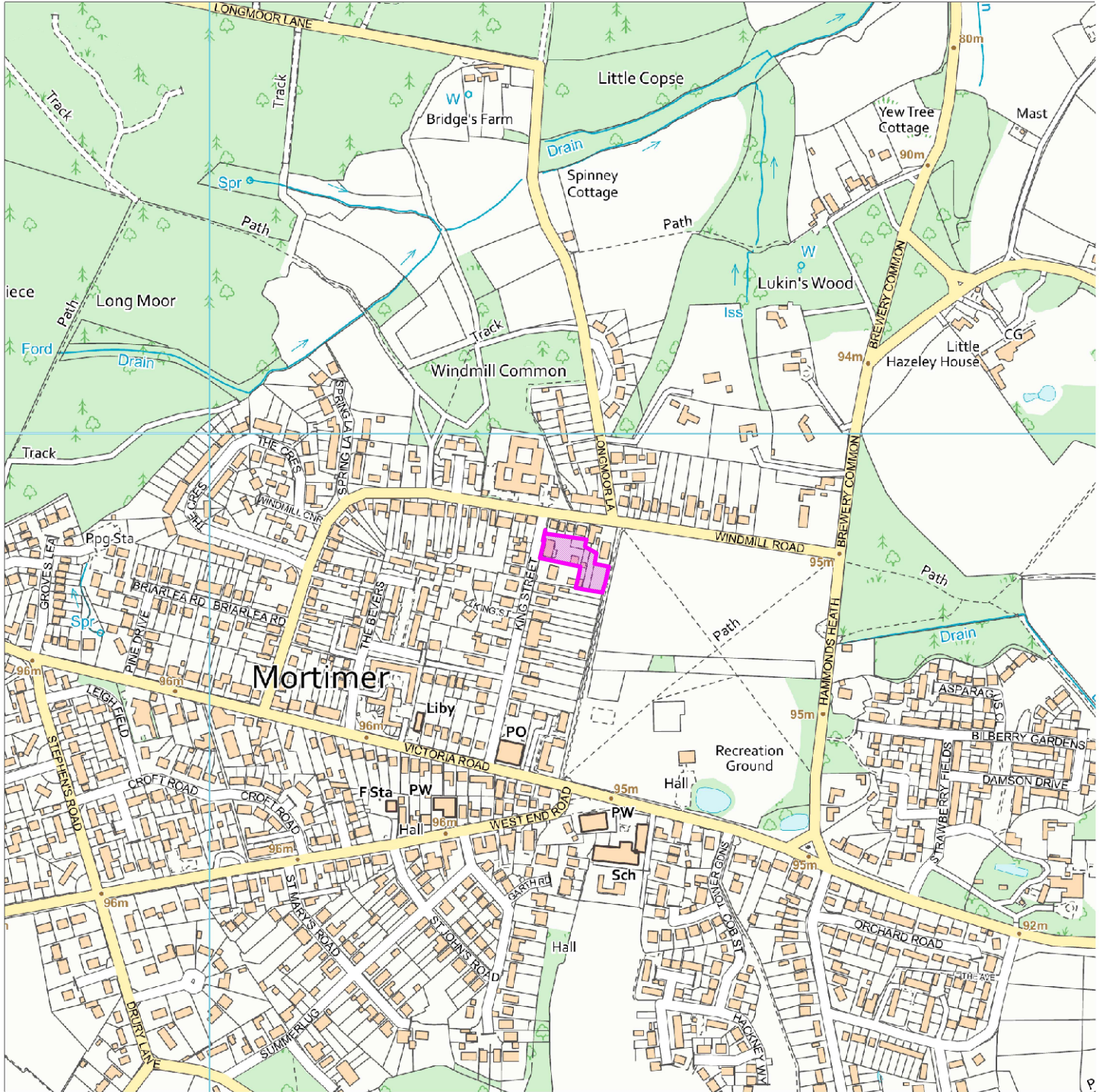
1.	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
----	---

	<p>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).</p>
2.	<p>Approved plans The development must be carried out in strict accord with the following approved plans.</p> <p>Refuse strategy--drawing 001. Location plan-3061-001. Block plan-3061-120 Rev C Alterations to existing-3061-125. Plots 1 and 2-3061-126-Rev A. Plot 3 -3061-127-Rev A. Plot 4-3061-128-Rev A. Car ports-3061-130-Rev A Cycle stores -3061-131-Rev A</p> <p>Reason. To clarify the permission in accord with the DMPO of 2015.</p>
3	<p>Tree protection</p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:</p> <ul style="list-style-type: none"> <li>o a plan showing the location and type of the protective fencing.</li> <li>o All such fencing shall be erected prior to any development works.</li> <li>o At least 2 working days notice shall be given to the Local Planning Authority that it has been erected.</li> <li>o 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.</li> <li>o No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</li> </ul> <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2. Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
4	<p><b>Landscaping</b></p> <p>The development shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>o the treatment of hard surfacing and boundary treatments and materials to be</li> </ul>

	<p>used</p> <ul style="list-style-type: none"> <li>o a schedules of plants (noting species, plant sizes and proposed numbers/densities),</li> <li>o an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.</li> </ul> <p>The scheme shall ensure:</p> <ul style="list-style-type: none"> <li>a) completion of the approved landscaping within the first planting season following the completion of the development; and</li> <li>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species. Thereafter the approved scheme shall be implemented in full and maintained in accordance with the wording of the condition.</li> </ul> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026</p>
5	<p>CMS</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> <li>(a) A site set-up plan during the works;</li> <li>(b) Parking of vehicles of site operatives and visitors;</li> <li>(c) Loading and unloading of plant and materials;</li> <li>(d) Storage of plant and materials used in constructing the development;</li> <li>(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;</li> <li>(f) Temporary access arrangements to the site, and any temporary hard-standing;</li> <li>(g) Wheel washing facilities;</li> <li>(h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</li> <li>(i) A scheme for recycling/disposing of waste resulting from demolition and construction works;</li> <li>(j) Hours of construction and demolition work;</li> <li>(k) Hours of deliveries and preferred haulage routes;</li> </ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations</p>
6	<p>Finished floor levels</p> <p>No development shall take place until details of the finished floor levels of the dwellings 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.</p>

	<p>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 and policy CS14 of the WBCS of 2006 to 2026</p>
7	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006)</p>

This page is intentionally left blank



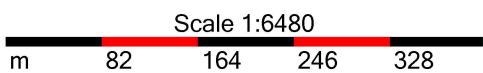
Map Centre Coordinates :

Scale : 1:6480

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	21 November 2024
<b>SLA Number</b>	0100024151



This page is intentionally left blank