

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/01212/FUL Stratfield Mortimer	26 th 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
¹ 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

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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 17th July 2024. Expiry on the 7th August 2024. The amended plans notice was the 26th September with expiry on the 10th 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.
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	<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"> o a plan showing the location and type of the protective fencing. o All such fencing shall be erected prior to any development works. o At least 2 working days notice shall be given to the Local Planning Authority that it has been erected. 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. 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. <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>Landscaping</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"> o the treatment of hard surfacing and boundary treatments and materials to be

	<p>used</p> <ul style="list-style-type: none"> o a schedules of plants (noting species, plant sizes and proposed numbers/densities), o an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment. <p>The scheme shall ensure:</p> <ul style="list-style-type: none"> a) completion of the approved landscaping within the first planting season following the completion of the development; and 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. <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"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Temporary access arrangements to the site, and any temporary hard-standing; (g) Wheel washing facilities; (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (i) A scheme for recycling/disposing of waste resulting from demolition and construction works; (j) Hours of construction and demolition work; (k) Hours of deliveries and preferred haulage routes; <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>Materials</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>