

4(1) 23/00072/RESMAJ 3rd May 2023
Stratfield Mortimer

Approval of reserved matters following Outline Permission 19/00981/OUTMAJ [Section 73: Variation of condition 6- approved plans of approved application 17/03004/OUTMAJ: This outline application comprises two parts: Part a) The erection of 110 dwellings including affordable housing, public open space and associated landscaping with all matters reserved other than access and layout; Part b) The erection of a 3FE Infant School and 900sq m GP surgery (Use Class D1) with shared parking area with all matters reserved other than access.] Matters seeking consent: Landscaping.

Land south of Tower Gardens,
Mortimer.

TA Fisher and Sons Limited.

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To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00072/RESMAJ>

Recommendation Summary: The Director of Development and Regulation be authorised to GRANT conditional approval.

Ward Member(s): Councillor Bridgman.

Reason for Committee Determination: Ward Member call in, if officer recommendation to approve and the Parish Council object to the application.

Committee Site Visit: 19th April 2023.

Contact Officer Details

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1. Introduction

- 1.1 This application seeks reserved matters approval for further landscaping details following outline planning permission 19/00981/OUTMAJ, which itself was a s73 approval to vary the approved plans of condition 6 following the original outline approval in 2017. Reserved matters for phase 1, 2a and 2b for some landscaping details, scale and appearance have also been approved. The site is an allocated housing site in the local parish neighbourhood development plan. The changes granted under 19/00981/OUTMAJ to condition 6 amended the site layout including the public open space plan to the south of the site, where planting and footpaths were all approved.
- 1.2 The applicant has now had the opportunity to examine the engineering/structural details more fully in relation to the south area around phase 2b of the scheme and to the public open space. The proposal is to include a new crib/timber retaining wall to the south of the gardens of plots 51 to 58, to allow for an appropriate transition between the rear gardens and the remaining open space area. The retaining structure will be 192m in length and it will be curved. It will vary in height from between 2 and 5m in height across the horizontal line. It will be topped out by a 1.2m high vertical timber boarded fence. At the lower end of the wall will be placed an anti-climbing mesh.
- 1.3 This retaining structure was not indicated in the initial approved plans. It is necessary to stress that the total area of the public open space and the siting will not alter if these details are approved, nor will any of the location and siting of the as approved dwellings in the overall permission. However a number of the footpaths locations leading down from the site into the public open space will be revised.
- 1.4 For information/clarity the existing s106 agreement relating to the original outline permission granted under 17/03004/OUTMAJ will still apply. This is important given the affordable housing and public open space provisions which will still apply to the reserved matters.

2. Planning History

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

Application	Proposal	Decision / Date
17/03004/OUTMAJ	Erection of 110 dwellings with associated public open space, highways works, school and surgery site.	Approved February 2019.
19/01715/RESMAJ	Reserved matters approval for phase 1 of the site –28 dwellings.	Approved October 2019.
19/00981/OUTMAJ	Variation of approved plans condition on 17/03004/OUTMAJ.	Approved June 2019.
21/02347/RESMAJ	Reserved matters approval for phase 2a—16 dwellings	Approved February 2022.
22/01422/RESMAJ	Reserved matters approval for phase 2b –14 dwellings.	Approved June 2022.

2.2 Just for the Committee information application number 23/00297/RESMAJ for phase 3 on the site for 52 dwellings is now currently before officers of the Council for consideration.

3. Procedural Matters

3.1 It is not considered that the application requires to be screened under the 2017 Environmental Impact Assessment Regulations.

3.2 Site notice erected 16th February 2023. Expiry 9th March 2023. Advertisement in the Reading Chronicle 16th February 2023.

3.3 The application if approved, will be CIL liable.

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.

Parish Council	Firstly pleased with the planting programme across the site for the public open space. Secondly, approve the hoggin footpaths. Thirdly, object to the proposed retaining walls due to their proposed height and location, which will cause a visual impact. This is contrary to the advice in policy SDB1 in the neighbourhood development plan which seeks a soft visual transition between the housing and the lower land to the south. If the land had been graded as before an objection would not have been raised.
Highways	No objections. No change to local road layout.
Suds	No objections. No change to local drainage envisaged.
Thames Water	No objections.
Berkshire newt officer	No objections but recommend the public open space is laid out and maintained in concert with the as approved CEMP in order to conserve newt habitats on the site.
Tree officer	No objections to the retaining structure. The idea that it could be softened in appearance by additional planting of climbers is a good idea.

Public representations

4.2 Representations have been received from one contributor, who is objecting to the scheme, on the basis that the retaining structure was not shown on the original approved

plans and it will be up to 5m high in places which will have a visual impact. They query whether it will be structurally safe and how it will be maintained.

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, ADPP6, CS18 and 19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy SDB1 of the Stratfield Mortimer Neighbourhood Development Plan (2017) Bullet point 5.

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- West Berkshire Quality Design Supplementary Planning Document

6. Appraisal

6.1 The main issues for consideration in this application are:

Whether the details of the reserved matters comply with National and Local planning policy;

Whether the visual impact of the proposed retaining structure will be acceptable in the local area context.

Principle of development

6.2 The principle of the development has been established by the outline permission. The details of the additional landscaping reserved matters are considered below.

Character and appearance

6.3 This is the crux of the issue in this application, in the view of the case officer. On the one hand it is noted that the retaining structure will inevitably have an additional visual impact over and above a soft graded transition in landform between the housing and the public open space to the south. Having said that however the approved height and layout of the housing in phase 2b will have a greater visual impact than the retaining wall, given their relative height, mass and location. In addition, via condition the retaining wall can be planted up with landscaping which over time will assist in softening its appearance. Whilst it is accordingly appreciated that the application goes against the spirit of policy SDB1 in the NDP, the additional impact of the new structure relative to the visual impact caused by the overall housing allocation, once completed, is, on balance, considered acceptable.

6.4 The case officer has viewed the site from the south where there is a public highway and a footpath which traverses the field to the south. Photos will be available at Committee

to show this aspect of the site which are taken when the trees are not in leaf, so show the site at its most exposed. These show that the visual dominance of the dwellings will effectively make the retaining structure recede, in the viewer's eye.

- 6.5 The public open space provision will not be compromised by the approval of this reserved matters, so in that sense the proposal continues to comply with the advice in policy CS18 relating to green infrastructure in the Core Strategy. This policy notes [inter alia] that "new developments will make provision for high quality and multifunctional open spaces of an appropriate size and also provide links" into that space. Despite the retaining structure, links will still be provided into the space particularly as none could in any event be provided via the rear gardens of the existing approved plots.

Other matters

- 6.6 Please note the outline permission for the scheme approved the layout and access. The reserved matters of appearance, scale and some of the landscaping have also been approved under previous reserved matters. The proposed retaining structure forms part of the reserved matters as it corresponds to landscaping. The actual layout of phase 2 as approved will not alter as a consequence of this application.
- 6.7 The rear gardens of the plots behind the proposed retaining wall will now be terraced. The submitted topographical information and section drawings provide an indication that these gardens will provide acceptable private amenity space that would be useable and of a quality to comply with the Quality Design SPD. However, the section drawings do not show the gradients for all of the plots and this is required in order to be satisfied future residents will have suitable garden space. This is recommended as a condition.
- 6.8 The consultees have not raised any concerns with regard to the submitted planting and seeding plan, landscape ecological management plan, landscape specification, or tree and shrub palette which have been submitted as part of this landscaping reserved matters application. These details with the application are considered acceptable and can be secured by condition.
- 6.9 The parish council have raised a query as to whether the future maintenance of the retaining wall should be paid for by an additional S106 contribution, and the public representation also raised maintenance in their comments. Officers are exploring the ongoing management/governance and maintenance of the retaining wall and will be able to provide an update on this matter in the update sheet ahead of the Committee meeting. At this stage it is considered that should the application be approved a condition requiring maintenance details of the retaining wall be applied, and be subject to a S106 (most likely a deed of variation to the original S106) for the management of the retaining wall.

7. Planning Balance and Conclusion

- 7.1 There will be an additional visual impact caused by the proposed retaining wall. The structural necessity of the scheme is also prayed in aid in support of the retaining wall. It will also enable the future successful delivery of the housing site, including affordable dwellings.
- 7.2 Accordingly, in environmental terms the application will create a degree of harm, in social terms it would continue to enable the development and associated provision of affordable housing and public open space, and in economic terms it would also continue to enable the development to be constructed.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 25 August 2023 (or such longer period that may be authorised by the Service Director – Development & Regulation, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Service Director – Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed within the above timescale, to REFUSE PLANNING PERMISSION for the reasons listed below.

CONDITIONS

1. Link between reserved matters and outline

This approval relates solely to the reserved matters referred to in condition 1 of the outline planning permission granted on 11 June 2019 under application reference 19/00981/OUTMAJ and associated 22/01578/NONMAT. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions applied to that outline planning permission.

Reason: For the clarity and the avoidance of doubt. The reserved matters cannot be considered separately from the permission to which they relate and the conditions applied on that outline permission are still applicable.

2. Approved Plans

The development must be built out in strict accord with the following approved plans:

Location Plan 2095 P 01

Planting and Seeding Plan JSL2720-510 Rev G,

Typical Tree and Shrub Palette JSL2720-550-Rev A,

Plan of Permacrib Wall 300-2200064-SK1,

Elevation of Permacrib Wall 300-2200064-SK2,

Typical Section of Permacrib Wall 300-2200064-SK3.

PHI Group Operation and Maintenance – Parmacrib document.

RPS Southern Open Space – Soft Landscape Specification JSL2720 2.0 January 2023 including JSL2720-571.

RPS Landscape and Ecological Management Plan JSL2720_580 3.0 April 2020 including JSL2720-580-Rev 4,

Site Section Location Plan Phases 1, 2a & 2b 21-1099-061-A

Sketch Site Section Phase 2B Southern Boundary H-H 21-1099-063

Sketch Development Site Section Phases 1, 2a & 2b 21-1099-060 Rev A.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Topographical Details

No development works to the retaining wall shall commence until a topographical survey with relevant sections of phase 2 of the approved scheme has been submitted to and approved in writing by the Local Planning Authority. The topographical and sections details shall detail the gardens of each plot which back on to the retaining wall and the public open space area to the south where affected by the retaining wall. Each of the aforementioned dwellings shall not be occupied until its garden has been provided in accordance with the approved details.

Reason: To ensure that the garden sizes of the approved plots meet the criteria for garden areas in the SPD of 2006 on Quality Design and ensure the gradients of the rear gardens are acceptable in providing a useable private amenity space. This condition is applied in accordance with policy CS14 in the West Berkshire Core Strategy 2006-2026 and the Quality Design SPD and the National Planning Policy Framework.

4. Landscaping

All soft landscaping works for phase 2 of the development shall be completed in accordance with the approved soft landscaping scheme (as listed in condition 2 above) within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

5. Planting of retaining wall

The dwellings which back on to the retaining wall shall not be brought into use until the retaining wall has been planted in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the retaining wall is fully integrated into the landscaping of the site in accordance with the Quality Design SPD and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

6. Fencing to retaining wall

Each dwelling which backs on to the retaining wall shall not be brought into use the fencing to the top of the retaining wall for that dwelling has been provided in accordance with the fencing details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the gardens include anti-climb features to the boundary with the retaining wall in accordance with the Quality Design SPD and policy CS14 of the

West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

7. Maintenance of retaining wall

The dwellings which back on to the retaining wall shall not be brought into use until details of the maintenance of the retaining wall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining wall shall be maintaining in accordance with the approved details.

Reason: To ensure that the retaining wall is maintained and remains fully integrated into the development and landscape in accordance with Policies CS5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

S106 HEADS OF TERMS

1. Retaining wall

Provision and governance arrangements for the retaining wall for the management and transfer to a long term owner or management company.

REFUSAL REASON (IF S106 LEGAL AGREEMENT NOT COMPLETED)

1. Planning Obligation

The application fails to provide an appropriate planning obligation to mitigate the impact of the development with regard to provision and governance arrangements for the retaining wall. Without this planning obligation the proposed development conflicts with policies CS5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD and the National Planning Policy Framework.