

# EASTERN AREA PLANNING COMMITTEE

## 26 APRIL 2023

### UPDATE REPORT

**Item No:** (1)      **Application No:** 23/00072/RESMAJ      **Page No.** 21-46

**Site:** Land South Of Tower Gardens, The Street, Mortimer Common

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#### 1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

#### 2. Additional Consultation Responses

<b>Public representations:</b>	Nil received.
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#### 3. Ongoing Maintenance and Management of the Proposed Retaining Wall

The agenda report noted at paragraph 6.9 that Officers were exploring the ongoing management and maintenance of the proposed retaining wall and that it was anticipated, as per the recommendation, that it would be subject to a S106 planning obligation.

Having taken further advice a S106 is required where the retaining wall is site specific infrastructure. This could be a deed of variation to the original S106 or a unilateral undertaking by the applicant as an additional S106.

It is understood from the applicant that the retaining wall would be insured and is guaranteed for 60 years. There is an annual cost for the inspection fee in the region of £250. This can be secured in the S106 as a commuted sum.

It is understood from correspondence from the applicant that the intention is for the retaining wall to be overseen long term as part of the transfer of ownership of the public open space. The definition of public open space can be amended to include the retaining wall and update the associated plan.

It is understood the Parish Council has expressed a potential interest in taking on the management of the public open space. The existing S106 associated with the outline permission allows for this transfer but it is not a requirement for the Parish Council to take it on.

#### 4. Site Levels

Site levels of the dwellings were raised at the Committee site visit. The outline permission and existing reserved matters approval for phase 2 (this part of the development) have been reviewed. To confirm the ground and floor levels for the dwellings which back on to the proposed retaining wall have not been set.

The plans submitted with this application include topographical information on the existing and proposed ground and floor levels. As noted in paragraph 6.7 of the agenda report this

information is considered to provide an indication of the levels, particularly for the gardens, and a condition is recommended for further information for all of the plots with regard to the levels and gradients. This can be amended to include the finished floor levels.

## 5. Phase 3 and Access to Public Open Space

Following an enquiry from the committee site visit it is noted that in phase 3 (not subject to this application) there is a proposed footpath which will access the public open space, so residents of the plots in this phase 2 part of the site will be able to access the public open space from this location.

Following another enquiry from the site visit it is noted that there will be a small degree of additional retaining wall associated with the phase 3 application and this will be considered by officers in the processing of that application. It forms no part of the analysis of this application and it would not join this proposed retaining wall; it would be further away to the side of the phase 3 part of the site.

## 6. Updated Recommendation

The recommendation remains as set out in the agenda committee report, including being subject to a S106, and subject to the following amended condition.

3.	<p>Topographical Details</p> <p>Notwithstanding the levels details shown on the plans no development works to the retaining wall or the dwellings of plots 51 to 58 in phase 2b 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 include: finished floor levels; 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 the dwelling and associated garden has been provided in accordance with the approved details.</p> <p>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.</p>
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