

CASE OFFICER'S (MBB) REPORT ON APPLICATION NUMBER 23/02548/FULMAJ



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

MEMBER EXPIRY DATE - 2nd February 2024.
Overall expiry date -13th March 2024.
Nil pre development conditions applied.

INTRODUCTION

This application seeks planning permission for the erection of a new retaining wall/structure on land to the rear [south] of plots 51 to 56 in phase 2b of the scheme to build [inter alia] 110 dwellings in Mortimer as the NDP allocation. This retaining wall will be 100m long and be curved in alignment. It will be located adjacent to the rear gardens of the plots in question, and is required to address the significant drop in ground levels across the application site on a north/south axis. The height of the wall will vary between 0.5m and 2.0m maximum. The scheme is proposed as an alternative to that retaining structure of 192m in length and up to 5m in height which was proposed under 23/00072/RESMAJ which was refused by the Council at Planning Committee in April 2023. This is now presently at appeal with no decision issued.

This current scheme comprises just 100m in length of the retaining wall with the remainder [82m] as gravel boarding only. The relevant height sections are as follows --10m of between 1.5m and 2m, 32m between 1m and 1.5m , 36m between 0.5m and 1m, and 22m lower than 0.5m .

PLANNING HISTORY

17/03004/OUTMAJ . Outline application for the erection of 110 dwellings plus site for new school and surgery. Approved February 2022.
19/00981/OUTMAJ. S73 application on the above. Approved plans. Approved June 2019.
22/01422/RESMAJ. Phase 2b -Erection of 14 dwellings . Approved August 2022.
23/02527/RESMAJ . S73 application to vary designs of plots 51 to 56 in phase 2b. Application approved on the 1st February 2024.

PROCEDURAL MATTERS

EIA:

Given the nature and scale 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.

Publicity:

Site notice displayed on the 22nd December 2023. Expiry for representations expired on 15th January 2024.

A public notice was displayed in the Reading Chronicle on the 11th January 2024. Expiry on the 25th January 2024.

CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. 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).

However, 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

CONSTRAINTS AND DESIGNATIONS

Within the settlement boundary of Stratfield Mortimer
Public footpaths run to the east and south of the application site.

PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.

West Berkshire Core Strategy 2006-2026
Policies: ADPP1, ADPP6, CS13, CS14, CS19.

Housing Site Allocations DPD 2006-2026
Policies: C1

Stratfield Mortimer NDP . Policies RS4, SDB1, and GD5.

The following are relevant material considerations:

The National Planning Policy Framework (NPPF)

- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- House Extensions SPG (2004)

CONSULTATION RESPONSES

Stratfield Mortimer Parish Council. Support the application in principle but still have a number of concerns about the precise planting in the public open space to the south, who will maintain the wall into the future, presence of badger setts noted [nb no longer relevant] and position of footpaths.

Highways Authority: No objections raised.

Environmental Health . No objections raised .

ONR . No comments to make.

SUDS . No objections.

Trees . No objections . Conditional permission.

Emergency Planning. Lies outside the DEPZ so no adverse comments to make.

PUBLIC CONSULTATION RESPONSES

Total received: 2

Object: 2

Summary of representations:

The two objectors are worried about the future slope stability , given the weight of the houses on the higher ground, who will maintain into the future, what about future drainage, and why not redesign the scheme to become bungalows only—so reducing the overall visual impact. Concern that levels issue not foreseen in original design.

PRINCIPLE OF DEVELOPMENT

The principle of the development has been accepted under the extant planning permissions on the site. No additional dwellings are being proposed in any event and the application complies with the advice in policy C1 in the HSADPD. The retaining structure is being applied for since it will assist in the delivery of the plots in question so the delivery of housing across the site.

DESIGN, CHARACTER AND APPEARANCE

Policy CS14 in the Core Strategy notes that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.

It is accordingly apparent that the applicant must demonstrate to the Council's satisfaction that the proposed new retaining structure will be acceptable in design and visual terms having regard to the prominence of the application site when viewed from the south, due to the sites relative elevation and scale.

Application 23/00072/RESMAJ was recently refused at committee for a retaining wall measuring 192 in length and up to 5m in height. This was refused due to the visual impact a structure of this height would have on the surrounding area. This application is currently at appeal.

The scheme currently proposed is at a much lower height, so its visual impact will be consequently reduced. It is noted that in order to achieve this lesser change in levels the rear elevations of plots 51 to 56 will need to be amended - see officer report under 23/02527/RESMAJ - for amendments to the rear elevations of plots 51-56.

Secondly it is necessary to consider the policies in the Stratfield Mortimer NDP which address this matter , specifically policy SDB1 which seeks a smooth visual transition across the edge of the site to the countryside in order to ameliorate the noted visual harm/impact. Clearly the lower retaining wall will assist in meeting this policy aim.

Accordingly it is considered that the application will be acceptable in visual terms on the developed site boundary, and so comply with policy CS14 in the WBCS and policy SDB1 in the NDP.

NEIGHBOURING AMENITY

It is not considered that the application will harm neighbouring amenity in any way. Indeed one of the parish council's concerns with the previous higher retaining structure was safety with children in particular possibly climbing the wall and having accidents. The lower wall will reduce this risk.

OTHER MATTERS

Both the highways and drainage officers have no objections to the proposal and there are no ecological implications. The future maintenance of the wall is however a relevant planning matter as the public open space lies to the south of the wall and so public safety is paramount. Accordingly a pre occupation condition will be placed on the planning permission to ensure that future details of the management company and /or owner of the wall must be supplied to the LPA before any dwellings are occupied on site in the plots affected. It is not considered that a s106 agreement is required however.

TREES

The tree officer has examined the details of the planting layout as noted in the public open space to the south of the retaining wall as proposed. He is content with the scheme as proposed, so conditional permission is accordingly recommended.

PLANNING BALANCE AND CONCLUSION

Whilst the proposed retaining wall will have a visual impact is accepted that it is necessary for the ultimate delivery of this site [along with the 40% affordable units], as the scheme cannot physically and safely be done unless retaining structures are put in place. The fall back position of 23/00072 is not presently available to the applicants since that appeal may be dismissed. Accordingly if this application were rejected this would leave the developer with few options. The NPPF encourages local planning authorities to seek creative and positive outcomes in determining planning applications [where appropriate] and it is considered in this case that it is appropriate, notwithstanding the level of visual harm that will inevitably arise.

RECOMMENDATION

Conditional approval.