

T A Fisher and Sons Ltd
Richard Barter
Theale Court
11 - 13 High Street
Theale
RG7 5AH

Applicant:
T A Fisher and Sons Ltd

PART I - DETAILS OF APPLICATION

Date of Application

7th November 2023

Application No.

23/02548/FULMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Full Planning Application for the construction of a retaining wall and for details of the appearance and landscaping within the southern public open space area pursuant to the Outline Planning Permission 17/03004/OUTMAJ as varied by the S73 Application 19/00981/OUTMAJ

Land South Of Tower Gardens, The Street, Mortimer Common, Reading

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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).

2. All soft landscaping works for phase 2 of the development shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwellings plots 51 to 56 (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.

3. 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.

4. Each dwelling which backs on to the retaining wall shall not be brought into use until 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.

5. 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 maintained 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.

6. The development hereby permitted must be carried out in strict accord with the following approved plans.

Job no -all 6145--

SK81 Rev C , Retaining wall boundary plan.

SK79 Rev D. Retaining wall site plan.

002 Rev A, Criblock retaining wall elevation.

003 Rev A , Criblock typical section .

and landscaping plans all job number JSL2720

510-Rev I planting and seeding plan. [Jan 2024].

580-Rev 4, [LEMP]

571 Landscape specification.

550-Rev A. Tree and shrub palette.

Reason. To ensure the development is constructed as approved, in the interests of clarity , in accord with the DMPO of 2015.

7. All landscape works shall be completed in accordance with the submitted RPS Planting and Seeding Plan, reference JSL2720 510 Rev I updated January 2024.

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.

8. 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.

The decision to grant planning permission has been taken having regard to the policies and proposals in the statutory development plan. This includes the West Berkshire Core Strategy 2006-2026, the Housing Site Allocations DPD 2006-2026, the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), the West Berkshire Minerals and Waste Local Plan, Saved Policy NRM6 of the South East Plan, and Neighbourhood Development Plans for Stratfield Mortimer and Compton. Regard has also been given to the National Planning Policy Framework, Planning Practice Guidance, and relevant supplementary planning documents and guidance.

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- 1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

- 2 Protected Species

Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate

process. The following website gives further advice on this matter
www.gov.uk/guidance/wildlife-licences

- 3 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

- 4 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

Decision Date :- 6th March 2024

Bob Dray
Development Manager

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online via <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.