

FULL PLANNING APPROVAL **DRAFT DECISION NOTICE**



WOKINGHAM
BOROUGH COUNCIL

Expiry Date: 4 August 2023

Application Number: 230693

Location: Gardeners Green, Heathlands Road, Wokingham, RG40 3AW

Proposal: Full application for the erection of 4No single storey commercial units with detached Refuse area. 1no 2 storey detached dwelling, bin store and cycle store along with residential detached garage following the demolition of the existing dwelling, 4 commercial units and storage container.

Recommendation: Approve

Conditions and Reasons

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved details

This permission is in respect of the submitted application plans and drawings:

03 Rev A - Landscape Proposals

Received 27th June 2023

Location Plan

01 Rev D - Proposed Site Plan, Garage, Bin and Cycle Store Plans and Elevations

Received 16th June 2023

02 - Proposed Dwelling Floor Plans and Elevations

03 - Proposed Commercial Units Floor Plan and Elevations

Received 21st March 2023

Received by the local planning authority on

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. Materials

No development shall commence beyond foundation level until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: These details are required due to insufficient information being contained within this submission and in the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC3 of the Core Strategy

4. Boundary Treatment

No development shall commence beyond foundation level until details of all boundary treatment(s) shall first be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interests of countryside amenity in accordance with policy CP3 and CP11 of the Core Strategy

5. Landscaping

No development shall commence beyond foundation level until a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained, has been submitted and approved by the Local Planning Authority.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

6. Retention of trees and shrubs

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

7. Protection of trees

a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and

protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as

so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development

hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting

of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

8. Use class

The commercial units hereby permitted shall be retained in use class B1(c) and B8 for the lifetime of the development.

Reason: As no other use has been assessed under this proposal, in the countryside location. Relevant policy: CP3 and CP11 of the Core Strategy.

9. Cycle parking to be provided

No building shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing

(s)/details. The cycle parking/ storage shall be permanently so- retained for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

10. Parking and turning space to be provided

No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

11. Refuse and recycling

Prior to first occupation of the commercial and residential units hereby approved, the refuse and recycling storage facility shall be implemented fully in accordance with those details shown on the approved plans and thereafter retained for use by occupiers of the building at all times.

Reason: In the interests of the visual amenity of the area and to ensure that bins can be easily accessed when required in accordance with Policy CC04 of the MDD

12. Surfacing

No development shall commence on site until details and proposed materials for surfacing of the car parking, turning area and access to the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the surfacing shall be constructed and maintained with the approved materials for the lifetime of the development.

Reason: In the interests of visual amenity of the countryside location in accordance with policy CP11 of the Core Strategy.

13. BREEAM

No development of the commercial units shall commence a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating the commercial units will have compliance with a minimum standard of BREEAM 'Excellent' rating has been submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC04 of the MDD.

14. Drainage

Prior to first occupation of the development hereby permitted, the sustainable drainage scheme for the site has been completed in accordance with the submitted and approved details: SuDSmart Plus Sustainable Drainage Assessment dated 02-02-2023. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To reduce the risk of flooding onsite or elsewhere in accordance with Policy CC09 and CC10 of the MDD.

15. Ecological Enhancements

The Ecological enhancements and mitigation as outlined in 'Preliminary Ecological Appraisal' prepared by John Wenman Ecological Consultancy dated February 2023 shall be implemented prior to occupation of the development.

Reason: To enhance biodiversity on site in accordance with policy TB23 of the MDD and Policy CP7 of the Core Strategy.

16. Hours of use

The commercial premises shall not be used by members of the public outside the hours of 08:00 – 19:00 on Mondays to Sundays.

Reason: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC06 of the MDD.

17. Lighting

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on the site or affixed to any buildings on the site without prior written approval of the Local Planning Authority through a planning application made for that purpose.

Reason: In the interests of neighbouring amenity in accordance with policy CP3 of the Core Strategy.

18. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 1, Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development within Class A (enlargement, improvement or other alteration) or Class E (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) shall be carried out within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

Reason: Due to the constrained nature of the site and as unrestricted development could be overbearing and harm the appearance of the main house and the area in general and should therefore be controlled in accordance with Policy CP3 of the Core Strategy

19. Noise Assessment

No development shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the proposed dwelling and other neighbouring dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason: These details are required due to insufficient information being contained within this submission and in order to safeguard the amenity of occupants in accordance with Policy CP3 of the Core Strategy

20. Construction method statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v) wheel washing facilities,
- vi) measures to control the emission of dust and dirt during construction,
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety & convenience and neighbour amenities.

Relevant policy: Core Strategy policies CP3 & CP6.

21. Hours of work

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant

policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

22. Electric Vehicle Charging

Prior to occupation of the residential dwelling hereby approved, the electric vehicle charging point, as shown on the approved plans, shall be installed and maintained for the lifetime of the development.

Reason: In the interests of environmentally sustainable transport in accordance with Policy CP6 of the Core Strategy.

Informatives

1. The development accords with the policies contained within the adopted / development plan and there are no material considerations that warrant a different decision being taken.

2. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

3. Where this permission requires further details to be submitted for approval, the information must formally be submitted to the Council for consideration with the relevant fee. Once details have been approved in writing the development should be

carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

4. The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

5. This consent contains conditions that require subsequent approval of detailed matters before the development commences. There is a fee for submission of details to comply with conditions, which is payable for each separate submission rather than for each condition. Decisions may take up to eight weeks, or longer if consultation with third parties is required.

6. This permission does not convey or imply any approval or consent that may be required for the display of advertisements on the site for which a separate Advertisement Consent application may be required. You should be aware that the display of advertisements without the necessary consent is a criminal offence liable to criminal prosecution proceedings through the courts.

7. Bats are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

8. This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

9. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development, failure to do this will result in penalty surcharges being added. For more information see the Council's website - Community Infrastructure Levy advice page. Please submit all CIL forms and enquiries to developer.contributions@wokingham.gov.uk.

10. Future occupiers of the residential dwelling and commercial units hereby approved should be made aware that waste collections shall remain as per the existing situation (ie. the situation prior to the date of this planning permission).

11. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:

- extending the determination period of the application to allow for revised plans in relation to highway and landscaping matters

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

Recommendation and conditions/reasons agreed:



Date: 11/07/23

REMEMBER - The earliest date for a decision on this application is: **22 April 2023**