

## **MAIN STATEMENTS OF COMMON GROUND**

### **1) Introduction**

1. This Statement of Common Ground has been prepared pro-actively and jointly between the Appellant and the LPA.
2. The appeal pertains to the refusal of planning application 242011 at Land East of Warren Lodge Care Home, Warren Lane, Finchampstead RG40 4HR.
3. The description of development is as follows:

“Full application for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping”

4. The application was refused on eight reasons for refusal as follows:
  1. The proposal represents inappropriate unplanned development outside of and unconnected to any development limits within the countryside and conflicts with the spatial strategy and objectives of the development plan, contrary to policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2 and AHD3 of the Finchampstead Neighbourhood Development Plan and sections 2, 4, 12 and 15 of the NPPF;
  2. The proposed development will have a negative and detrimental impact on the landscape character & rural appearance of the area by reason of the development’s cramped urbanising appearance and insensitive siting, thereby blur the transition between the settlement of Finchampstead and the Countryside. The proposals are therefore contrary to contrary to Policies CP1, CP3, and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2, AHD3 and IRS4 of the Finchampstead Neighbourhood Development Plan, sections 12 and 15 of the NPPF, Section B1 of The National Design Guide, R24 of the Borough Design Guide and Paragraphs 25 and 26 of the Planning Policy For Traveller Sites (PPTS).
  3. By reason of the site’s spatial constraints and prominent bend in Finchampstead Road, acceptable parking, turning and visibility splays for motor vehicles and caravans cannot be achieved, to the detriment of highway safety. The proposals are therefore contrary to policies CP1, CP3 and CP6 of the Core Strategy, CC07 of the MDD Local Plan and section 9 of the National Planning Policy Framework.
  4. By reason of a poor walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes, the application site is poorly located in terms of accessibility to

sustainable forms of transport. The occupants of the pitches would be overly reliant on private motor vehicles to access basic amenities and services, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01, CC02, CC08 and TB10 of the MDD Local Plan, Policy GA2 of the Finchampstead Neighbourhood Development Plan, the Borough Design Guide SPD and the NPPF.

5. By reason of the site's cramped spatial constraints, proximity to trees and vegetation and a busy 40mph B-road, the proposed external amenity space would provide an unsatisfactory living environment for future occupiers, to the detriment of their amenities. The proposals are therefore contrary to Policies CP1 and CP3 of the Core Strategy 2012, The Borough Design Guide SPD, Section 12 of the NPPF and paragraph 26 of the Planning Policy For Traveller Sites (PPTS).

6. The siting of the proposals would result in the removal of, and encroachment into the RPA, with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area. There is insufficient justification to outweigh this harm. The proposals are therefore contrary to policy CP3 of the Core Strategy, policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan, policy IRS6 of the Finchampstead Neighbourhood Development Plan, BS5837:2012 and the National Planning Policy Framework.

7. The proposed development would conflict with and detrimentally impact Veteran Trees, an irreplaceable habitat, by reason of operational development associated with the proposal being located within the buffer zones of the trees. The proposals are therefore contrary to policies CP7 of the Core Strategy, TB23 of MDD Local Plan, Policy IRS5 of the Finchampstead Neighbourhood Development Plan and the National Planning Policy Framework.

8. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

## **2) The Appeal Site**

5. The appeal site comprises an irregular shape plot of greenfield land on the junction of Warren Lane and the B3016.
6. The site is to the south of Finchampstead (180m from the defined settlement boundary) and the east of Warren Lodge Care Home

(immediately adjacent the site). The site has an existing access along Warren Lane enclosed by a timber gate.

7. The site itself is enclosed by 1.2m high post and rail timber fencing, it is not maintained and features brambles and ivy and appears generally unkept.

The site features several trees of varying quality, size and age. Also immediately adjacent to the western boundary of the site are three TPO trees (TPO-1306-2009),

8. Residential development is predominantly present to the north of the application site within the settlement of Finchampstead. There is also built development to the west of the site along Warren Lane and to the south of the site along the B3016.
9. A pedestrian footpath leading towards Finchampstead is present on the western side of the B3016 opposite the appeal site and a bus stop is sited to the north of the appeal site (64m).
10. The road immediately adjacent to the appeal site has a 'slow' road marking and an elderly people warning sign.
11. The site is within the 5km zone of influence to the Thames Basin Heath SPA, being outside of settlement limits the site is in the designated countryside.

### **3) The Local Area**

12. The area around the appeal site is a 'semi-rural' location with the settlement of Finchampstead being visible from differing points in the landscape, however, to the west of the site are open undeveloped agricultural fields (separated by the B3016).
13. Warren Lane features the care home and three dwellings, the northern side of the Lane comprises the Warren Wood Country Park (a Local Green Space in the Development Plan).
14. Finchampstead itself to the north of the site offers adequate facilities and services for occupiers of the scheme and features regular bus services along Nine Mile Ride.

### **4) Planning History**

15. N/A

### **5) The Appeal Proposal**

16. The appeal seeks planning permission for the formation of two Gypsy and Traveller pitches.
17. Each pitch would comprise a static and touring unit and would be amongst the proposed landscaping (providing incidental amenity space).

18. The landscaping for the scheme seeks to remove category U, C, and B trees and plant 24 new trees to facilitate the development. No category A or Veteran trees are proposed to be removed.
19. The development would create a new access along the eastern site boundary from the B3016.
20. The agreed plans and drawings on which the Inspector will be asked to base his or her decision and which were considered at application stage are as follows:

| <b>Plan/Document</b>                      | <b>Drawing No.</b>                 | <b>Date of submission to LPA</b> | <b>Superseded during course of application</b> |
|-------------------------------------------|------------------------------------|----------------------------------|------------------------------------------------|
| Application Form                          | N/A (Generated by Planning Portal) | 5 <sup>th</sup> August 2024      | N                                              |
| CIL Form 1                                | N/A (Generated by Planning Portal) | 5 <sup>th</sup> August 2024      | N                                              |
| Site Block Plan (1:500)                   | File Name '8848Tvan-A4-500 draft'  | 5 <sup>th</sup> August 2024      | Y                                              |
| Site Location Plan 1:1250                 | N/A (Generated by Planning Portal) | 5 <sup>th</sup> August 2024      | N                                              |
| Arboricultural Statement Dated 05/06/2024 | LAS_746                            | 5 <sup>th</sup> August 2024      | N                                              |
| Proposed Landscape Plan                   | LAS_746 04                         | 5 <sup>th</sup> August 2024      | N                                              |
| Site Block Plan (1:500)                   | File Name '8848Tvan-A1-500 draft'  | 14 <sup>th</sup> August 2024     | N                                              |
| Preliminary Ecological Appraisal          | Prepared by Collington Winter      | 21 <sup>st</sup> August 2024     | N                                              |
| BNG Plan                                  | Prepared by Collington Winter      | 21st August 2024                 | N                                              |

|                                                                                                    |                                                 |                              |     |
|----------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------|-----|
| Habitat Plan (1:2000)                                                                              | Prepared by Collington Winter                   | 29 <sup>th</sup> August 2024 | N   |
| Planning Statement prepared by ET Planning                                                         | N/A                                             | 5 <sup>th</sup> August 2024  | N   |
| Planning Statement Appendix 1                                                                      | Personal Circumstances (confidential)           | 5 <sup>th</sup> August 2024  | N   |
| <b>The following documents were submitted during the course of the application</b>                 |                                                 |                              |     |
| B22007_001                                                                                         | Southern Site Access Visibility Splays          | October 2024                 | N   |
| B22007_TR01                                                                                        | South Site Access Vehicular Swept Path Analysis | October 2024                 | N   |
| B22007_TR02                                                                                        | North Site Access Vehicular Swept Path Analysis | October 2024                 | N   |
| Site Plan                                                                                          | B22007_002                                      | October 2024                 | Y   |
| <b>The following documents were submitted with the appeal</b>                                      |                                                 |                              |     |
| Arboricultural Statement and Impact Assessment                                                     | LAS 746 AND AIA Rev A                           | 05.06.2025 and 11.04.2025    | N/a |
| Proposed Landscape Plan                                                                            | LAS 746 04 Rev B                                | 24.04.2025                   | N/a |
| The Appellant requests the revised AIA and Lanscaping plan submitted with the appeal are assessed. |                                                 |                              |     |

## 6) Development Plan (Adopted and Emerging) and Supplementary Planning Guidance

21. The Development Plan comprises the:

- Core Strategy ('CS');
- Managing Development Delivery ('MDD');
- Finchampstead Neighbourhood Plan ('FNP')

22. The Local Plan Update (LPU) has been assigned Inspectors for the examination and as such can only be afforded limited weight (as a material consideration – it does not form part of the adopted Development Plan). Policy H10 of the LPU is considered relevant to the appeal scheme and was referred to within the Officer Report, however it was not referenced within the reasons for refusal.
23. List of most important policies to be agreed with LPA (owing to dispute):
- Core Strategy (2010) – Policies CP1, CP2, CP3, CP6, CP7, CP9, CP11
  - MDD Local Plan (2014) – Policies CC01, CC02, CC03, TB10, TB21
  - Borough Design Guide (2012) – Section R24
  - Finchampstead Neighbourhood Plan (2023) – Policies D2, DH3, GA2, IRS4, IRS5

## **7) National Policy and Other Guidance**

24. The following paragraphs of the Framework and the PPTS are particularly relevant to the appeal:

| Document | Framework |
|----------|-----------|
| NPPF     | 11        |
| NPPF     | 110       |
| NPPF     | 115       |
| NPPF     | 135       |
| NPPF     | 187       |
| NPPF     | 193       |
| PPTS     | 13        |
| PPTS     | 14        |
| PPTS     | 25        |
| PPTS     | 26        |
| PPTS     | 27        |

25. Section B1 of the National Design Guide

26. BS5837:2012 relating to trees

## **8) Areas of Agreement**

### General

27. The description of development is agreed between the parties.
28. The appeal site is undeveloped greenfield land.
29. The appeal site is located within the designated Countryside and subject to assessment under the most important policies listed above
30. There is no planning history for the site.

31. The policies listed in paragraph 23 above are considered relevant to the appeal.
32. There are 3no. TPO (TPO-1306-2009) adjacent to the appeal site's western boundary.
33. The Appellants are accepted as complying with the Planning Policy for Traveller Sites Annex 1 definition of Gypsy and Traveller.

#### Location Sustainability

34. As a result of Reason for Refusal 4, the Council has requested that the Appellant enters into a legal agreement under s.278 of the Highways Act 1980 for off-site highways works and improvements to site access connections to the public highway. The final details of the off-site works are yet to be confirmed but further details will be provided prior the the date of the Hearing and the Appellant will comment accordingly.
35. The S106 legal agreement currently being drafted will include an obligation requiring the Appellant to enter into a s.278 agreement prior to the commencement of development.
36. Notwithstanding the comment in the Appellant's statement at 3.73, it is understood by both parties that both the existing northern and new southern accesses would serve the proposed pitches.

#### Landscaping

37. The submitted Landscape Proposals (LAS 726 04 Revision B) proposes gravel surfacing for both the northern and eastern vehicular accesses. Both parties agree that the use of gravel adjacent to the accesses is inappropriate by reason of overspill leading to Highway Safety concerns. Final details of landscaping will therefore be secured via condition, notwithstanding the submitted details.

#### Gypsy, Roma and Traveller (GRT) Policy

38. The appeal scheme does not represent conflicts with requirements b, d, f and g of TB10 of the MDD Local Plan. No conflicts are expected with requirement h providing appropriate SANG and SAMM mitigation contributions are secured.

#### Neighbouring Amenities

39. The proposed development would not result in any adverse impacts onto the amenities of adjoining landowners and occupiers.

#### Thames Basin Heath Special Protection Area

40. In order to mitigate the impacts of the development, the LPAs appropriate assessment concluded that SANG and SAMM provision is required. This is required at 8 hectares per 1,000 people.

41. The LPA does not wish to release SANG for the appeal development as they are under no obligation to release SANG for development considered to be unacceptable by the LPA.
42. The Appellant has sought to secure private SANG at Stanbury House (Spencer's Wood) for 0.04 hectares, albeit a finalised legal agreement has not yet been provided.
43. SAMM contributions are also required in addition to SANG and the LPA considers a bilateral S106 agreement to be necessary. A s106 is in process to secure this.

#### Biodiversity Net Gain

44. Due to the biodiversity net loss on site, the Appellant is seeking off-site contributions to achieve a 10% net gain in the form of biodiversity credits from a Nature Bank. Confirmation of the Appellant's intention in this regard will be secured via the Biodiversity Net Gain condition. Credits shall be purchased prior to commencement of development.

#### Gypsy, Roma and Traveller (GRT) Need and Supply

45. Both parties accept that as of 31st March 2025, the deliverable land supply for Gypsy and Traveller pitches equates to less than 5 years supply against the cultural need identified in the Council's Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2023).
46. *Both parties accept that Human Rights and Public Sector Equality are material considerations and that the needs of the child are a primary consideration.*

### **Section 9) Areas of Disagreement**

#### Spatial Strategy – Countryside

47. The Council's view is that the development fails to accord with any of Core Strategy Policy CP11's criteria and is therefore contrary to the spatial development plan. The proposal also conflicts with the aims of the policy set out in the supporting text, which include maintaining the quality of the borough's environment.

#### Gypsy, Roma and Traveller (GRT) Policy

48. The Council are of the view that the development fails to comply with requirements a of Policy TB10 of the MDD Local Plan, insofar that the site does not share a coherent spatial or visual relationship with the settlement of Finchampstead.

49. The Council are of the view that the development fails to comply with requirement c of Policy TB10 of the MDD Local Plan by reason of a poor walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes.
50. The Council are of the view that the development fails to comply with requirement e of Policy TB10 of the MDD Local Plan, insofar that appeal scheme would have a negative and detrimental impact on the landscape character & rural appearance of the area.
51. The Council are of the view that the development fails to comply with Policy CP2 (d) of the Core Strategy, insofar that the development is not considered close to the development limits of Finchampstead as a settlement and is also disproportionate to the scale of the existing settlement by reason of its sensitive transitory location.

#### Character of the Area/Landscape Character

52. The Council are of the view that the development would have a negative and detrimental impact on the landscape character & rural appearance of the area by reason of the development's cramped urbanising appearance and insensitive siting, thereby blurring the transition between the settlement of Finchampstead and the Countryside.

#### Highway Safety

53. The Council are of the view that the appeal scheme cannot achieve satisfactory parking provision, turning space or visibility splays for motor vehicles entering and exiting the site from Finchampstead Road, to the detriment of highway safety.

#### Locational Sustainability

54. The Council are of the view that by reason of a poor walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes, the appeal site is poorly located in terms of accessibility to sustainable forms of transport. The occupants of the pitches would be overly reliant on private motor vehicles to access basic amenities and services.

#### Occupier Amenities

55. The Council are of the view that by reason of the site's cramped spatial constraints, proximity to trees and vegetation and a busy 40mph B-road, the proposed external amenity space would provide an unsatisfactory living environment for future occupiers, to the detriment of their amenities.
56. The Council also consider that the boundary treatments are not sufficient to ensure a satisfactory living environment for future occupiers; the use of hard boundary treatments adjacent to highways (brick walls etc) are an established urban design principle to help suppress noise pollution and provide a safer living environment. In comparison, the proposed use of

hedgerows and scattered trees across the eastern frontage adjacent to Finchampstead Road would not serve as adequate boundary treatment to sufficiently suppress noise emissions from road users.

Arboricultural Matters (including Veteran Trees)

57. There are three trees, the ID's of which are listed below as veteran as per the Woodland Trust Ancient Tree Inventory:
- 1x Lime Tree adjacent to northern boundary of the appeal site – Tree ID: 46644
  - 1x Lime Tree adjacent to western boundary of the appeal site – Tree ID: 218700
  - 1x Sweet Chestnut adjacent to the western boundary of the appeal site – Tree ID: 46443
58. The Appellant does not agree the two Lime trees are veteran. The trees are only identified on the woodland trusts tree ancient tree inventory maps because it uses the data from the Wokingham veteran tree association that has classed them as veteran. The Appellant does not agree that the two mature limes are veteran as they do not show any veteran characteristics to justify veteran status.
59. The Council are of the view that the siting of the proposals would result in the removal of, and encroachment into the RPA, with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area. The Council consider that there is insufficient justification to outweigh this harm.
60. Further to the above, the Council consider the Lime tree adjacent to the northern boundary is a Veteran tree, and consequently that the proposed northern driveway access is within the buffer zone. Veteran tree guidance states that you should not approve development proposals, including gardens, within a buffer zone. As such, the operational development associated with the driveway access, and its continued use by vehicles, would detrimentally harm the Veteran Tree. The Appellant disagrees the tree is Veteran and so such buffer zone harm does not arise.
61. The Council considers there is harm to the alleged Veteran Lime Tree adjacent to the northern boundary of the appeal site which has not been adequately addressed by the ecological and arboricultural documentation submitted. The Council also considers the alleged harm is also not justifiably outweighed by any exceptional circumstances. The Council considers the Tree Retention and Loss Plan submitted shows development occurring within the buffer zones of alleged veteran trees on site. The Appellant disputes the veteran status of the Lime trees and thus the development is not within the buffer of any veteran tree. Only the Sweet Chestnut has veteran characteristics and the development is not within the buffer of this

tree. The Appellant also considers that development does not necessarily equal harm.

#### Biodiversity Net Gain

62. The Council are of the view that the harm to the alleged Veteran Lime Tree adjacent to the northern boundary of the appeal site, which is classed as an irreplaceable habitat, it will be impossible for the Appellant to satisfactorily demonstrate a 10% off-site biodiversity net-gain. The Appellant does not agree the Lime trees are veteran and so this harm does not apply.

#### Human Rights and Public Sector Equality

63. The Council acknowledge the personal circumstances of the Appellant and their family, including that the needs of children are a primary consideration. Whilst the Council also respect the fact that under Article 8 of the Human Rights Act the Appellant has the qualified right to respect for family and private life and the home, this on balance with the public interest in respecting the settlement boundaries of Finchampstead, protecting the intrinsic character of the countryside and irreplaceable habitats and maintaining highway safety cannot be afforded significant enough weight to allow the proposals. The Appellant disagrees with the assessment of the various material considerations and the weightings applied to them. Each party will submit their weightings to the Inspector.
64. The Council therefore consider that the proposals would create an unsafe and undesirable living environment for the occupiers. These concerns warrant the conclusion that refusing this application would be in the better interests of the child, since it would not be subjecting them to an unsafe and unsuitable living environment. The Appellant disagrees with the assessment of the various material considerations and the weightings applied to them. Each party will submit their weightings to the Inspector.

#### Need and Supply

65. The Council's position on supply is 3.64 years and that this position takes a conservative approach to proposed allocations in the emerging Local Plan Update. The Appellant has not yet seen the relevant information to support the Council's position and will review the Council's appeal statement on this figure and respond to the appeal Hearing.

## 10) Schedule of Conditions and Draft Terms of S106

### Conditions:

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. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).  
*Reason: To ensure continuing provision for the needs of the Gypsy population. Relevant policy: Planning Policy for Traveller Sites as updated 12 December 2024, Public: Information that can be seen and used by everyone inside and outside the Council. Core Strategy policy CP2 and Managing Development Delivery Local Plan policy TB10.*
3. Approved Details - This permission is in respect of the submitted application plans and drawings numbered/titled:
  - Location Plan PP-13307801v1 (received 05/08/2024)
  - LAS 746 04 Revision B (received 21/05/2025)
  - B22007 001 (received 10/10/2024)
  - B22007 002 (received 10/10/2024)
  - B22007 TR01 (received 21/05/2025)
  - Arboricultural Statement – LandArb Solutions – Ref: LAS 754 A (received 21/05/2025)

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.*

4. Drainage Details - Prior to the commencement of development, full details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include:
  1. Calculations indicating the existing runoff rate from the site.
  2. BRE 365 test results demonstrating whether infiltration is achievable or not.
  3. Use of SuDS following the SuDS hierarchy, preferably infiltration.
  4. Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100-year flood event with a 40% allowance for climate change and runoff controlled at existing rates, or preferably better.

5. Details of a scheme to dispose of foul water from the site. If connection to an existing surface water sewer is proposed, we need to understand why other methods of the SuDS hierarchy cannot be implemented and see confirmation from the utilities supplier that their system has got capacity and the connection is acceptable.
6. Groundwater monitoring confirming seasonal high groundwater levels in the area.
7. A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high water table level.
8. Details demonstrating how any SuDS for this development would be managed throughout the lifespan of the development and who will be responsible for maintenance.

The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

*Reason: This is to prevent increased flood risk from surface water run-off.*

*Relevant policy: NPPF (2024) Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.*

5. Landscaping – Notwithstanding the details submitted, development shall not commence until full details of both hard and soft landscape proposals are submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas and hard surfacing materials. Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.  
*Reason: In the interests of visual amenity. Relevant policy: Core Strategy policies CP3, CP11 and Managing Development Delivery Local Plan policies CC03 and TB21.*
6. 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.*

7. No part of any building(s) hereby permitted shall be occupied or used until vehicle parking and turning space has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The vehicle parking and turning space so-approved shall be retained in accordance with the approved details and the parking space remain available for the parking of vehicles at all times and the turning space shall not be used for any 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.*

8. Prior to the occupation of the development, details of on-site biodiversity enhancements such as bug hotels, bird/bat boxes, tiles or bricks and native and wildlife friendly landscaping shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.

*Reason: To incorporate biodiversity in and around developments in accordance with the National Planning Policy Framework.*

9. There shall be no more than 2 pitches on the site and on each of the 2 pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.

*Reason: In the interests of safeguarding the Countryside and Highway Safety. Relevant Policies: Core Strategy Policies CP1, CP3, CP6 & CP11 and Managing Development Delivery Policies CC03, CC07 and TB21.*

10. 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.*

11. Retention of trees, hedgerows and shrubs - No retained vegetation shall be cut down, uprooted or destroyed, nor shall any retained vegetation 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 vegetation that vegetation, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, replacement vegetation 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.*

12. 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 or structures on the site without the prior written approval of the local planning authority.

*Reason: In the interests of safeguarding the Countryside and Highway Safety. Relevant Policies: Core Strategy Policies CP1, CP3, CP6 & CP11 and Managing Development Delivery Policies CC03, CC07 and TB21.*

13. Notwithstanding the approved details or the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected without the prior written approval of the local planning authority.

*Reason: To ensure that vehicles do not obstruct the highway whilst waiting for gates or barriers to be opened or closed, in the interests of road safety. Relevant policy: Core Strategy policies CP3 & CP6.*

- 14.No other development of the site as hereby approved shall take place until the accesses have been constructed in accordance with the approved plans.

*Reason: To ensure adequate access into the site for vehicles, plant and deliveries associated with the development in the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

- 15.Visibility splay provision – Prior to the occupation of the development the proposed vehicular access shall have been formed and provided with visibility splays shown on the approved drawing numbers B220077 001 & B22007 TR02. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.

*Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

- 16.Notwithstanding the details submitted, no building shall be occupied until the vehicular accesses have been surfaced with a permeable and bonded material across the entire width of the accesses.

*Reason: To avoid spillage of loose material onto the highway, in the interests of road safety. Relevant policy: Core Strategy policy CP6.*

- 17.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.*

### **Informatives:**

1. As of 2nd April 2024, a 10% Biodiversity net gain (BNG) for minor developments is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Under the statutory framework for biodiversity net gain, this planning permission is deemed to Public: Information that can be seen and used by everyone inside and outside the Council. have been granted subject to the condition that the biodiversity gain objective is met (the biodiversity gain condition). The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.
2. The applicant is strongly advised to avoid the storage of or the parking of construction materials and vehicles on the Warren Lane Bridleway to

prevent disrupting vehicular and pedestrian traffic, in particular emergency vehicles to the adjacent care home.

3. The Head of Highways at the Council Offices, Shute End, Wokingham [0118 9746000] should be contacted for the approval of the access construction details before any work is carried out within the highway (including verges and footways). This planning permission does NOT authorise the construction of such an access or works.
4. The developer's attention is drawn to the fact that this permission does not authorise the physical construction of the proposed off-site highway works and site access connections to the public highway. A separate legal agreement made with the Council under s.278 of the Highways Act 1980 is required. No work within or affecting the public highway shall commence until the agreement has been completed and the Council, as local highway authority, has approved all construction and installation details together with a programme of works.
5. Any works/ events carried out by or on behalf of the developer affecting either a public highway or a prospectively maintainable highway (as defined under s.87 New Roads and Street Works Act 1991 (NRSWA)), shall be co-ordinated and licensed as required under NRSWA and the Traffic Management Act 2004 in order to minimise disruption to both pedestrian and vehicular users of the highway.

Any such works or events, and particularly those involving the connection of any utility to the site must be co-ordinated by the developer in liaison with the Borough's Street Works team (0118 974 6302). This must take place AT LEAST three months in advance of the intended works to ensure effective co-ordination with other works so as to minimise disruption.

6. 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.

### **Draft S106 Terms:**

1. The payment of SANG contributions prior to the commencement of development.
2. The submission of a SANG Allocation Agreement together with evidence of payment of the SANG Allocation fee.
3. The Appellant must enter into a Section 278 Agreement prior to the commencement of development.

## 11) Signatures

|                                                                                   |                                                                 |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Signed: Emily Temple                                                              | Signed: Kieran Neumann                                          |
|  | <i>Kieran Neumann</i>                                           |
| Position: Executive Director and<br>Founder, ET Planning                          | Position: Senior Planning Officer,<br>Wokingham Borough Council |
| Date: 20 <sup>th</sup> June 2025                                                  | Date: 20 <sup>th</sup> June 2025                                |