

VARIATION/REMOVAL OF CONDITION **DRAFT DECISION NOTICE**



Expiry Date: 1 May 2025

Application Number: 250518

Location: Paddock Farm, Nine Mile Ride, Finchampstead, Wokingham, RG40 4QB

Proposal: Application to vary condition 2 of planning consent 223032 for the erection of 2 no. detached, 5 bedroom dwellings with garages following the demolition of the existing two dwellings and associated outbuildings. Condition 2 refers to approved details and variation is allow the phasing of the development.

Recommendation: Approve

Conditions and/or Reasons

Condition 2 now reads:

Approved details

This permission is in respect of the submitted application plans and drawings numbered (3741/301 C) (2627/01A) (2627/05A) (2627 06) (2627 04 B) (Paddock Farm Phasing Plan 2627/05A – Dated 2nd March 2025) received by the local planning authority on 10/10/2022, 03/04/2023, 26/09/2023, 24/03/2025 & 04/03/2025. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by 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.

All other conditions of planning permission 223032 apply to this planning permission, viz:

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of the original permission (223032).

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. See above.

Reason: See above.

3. External materials

This information was submitted and approved under application 240877. The development shall be carried out in accordance with the approved details: Plan titled 'Materials – Details and links', received on 10/04/2024.

Reason: To ensure that the external appearance of the building is satisfactory. Relevant policy: Core Strategy policies CP1 and CP3.

4. Land Contamination.

This information was submitted and approved under application 240877. The development shall be carried out in accordance with the approved details: Documents titled 'Phase 1 Contaminated Land Assessment (80370R2) & Phase 2 Geo-Environmental Investigation (J181)', received on 06/04/2025.

Reason: To protect occupiers of the site and/or adjacent land. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3.

5. Drainage

This information was submitted and approved under application 240877. The development shall be carried out in accordance with the approved details: Documents titled 'Sustainable Drainage Assessment report (80370.01R2), dated 05/04/2024 & Technical Report Addendum (80370.01R2) & Arboricultural Method Statement Rev A (27.05.24)'.

Reason: 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.

6. Landscaping

This information was submitted and approved under application 240877. The development shall be carried out in accordance with the approved details: Documents titled 'Landscape Proposals (LAS 753 02 A, dated 27/05/2024)'.

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 (and TB06 for garden development).

7. Retention of trees and shrubs

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives 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.

8. Protection of trees

This information was submitted and approved under application 240877. The development shall be carried out in accordance with the approved details: Documents titled 'Arboricultural Method Statement Rev A (27.05.24)

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.

9. Biodiversity Protection and Enhancement condition:

All clearance, vegetation management, facilitation, service installation, archaeological investigations, ground works, demolition, excavation and construction works are to be carried out in full accordance with the precautionary measures, mitigation strategies and ecological enhancements given in Section 9.2 to 9.8 of the submitted report Preliminary Ecological Appraisal (John Wenman Ecological Consultancy Reg 3372/a March 2023) unless otherwise agreed in writing by the council. A short report documenting the full implementation of ecological enhancement measures hereby approved shall be submitted to the local planning authority within once month of first occupation.

Reason: To ensure that all protected and priority species are not adversely affected by the proposals. Relevant policy Core Strategy policy CP3 and CP7 Managing Development Delivery Local Plan policies TB23 and TB06.

10. Bat Mitigation Licence:

No demolition or tree works that may affect bat or roosting, foraging or commuting habitat shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy of the Licence and Method Statement has been submitted to the council. Thereafter mitigations measures detailed in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not required for all or part of the works the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.

Reason: The buildings hosting bat roosts and the development site supports habitat which will be affected by the proposals. This condition will ensure that bats, a group of protected species and a material consideration, are not adversely affected by the development. Relevant Policies Core Strategy policy CP3 and CP7.

11. External Lighting:

No works external lighting shall be installed except in strict accordance with the Proposed External Lighting detailed in Barham Homes letter of 3 March 2023. All lighting shall be installed in accordance with the approved details and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure that protected and priority species are not adversely affected by the proposals. Relevant policy: NPPF paragraph 187, 193 and 198 and Local Plan policies CP3, CP7 and TB23.

12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan 'Paddock Farm: Impact Plan for great crested newt District Licensing (Version 1)', dated 30th May 2023.

Reason: To ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

13. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112) or a 'Further Licence'), and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

14. 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.

15. Within 6 months of substantial completion of the first dwelling, the original dwelling must be demolished, as demonstrated on plan (2627/05A).

Reason: In the interests of the amenity of the Countryside. Relevant Policy: Core Strategy policies CP1, CP3 & CP11 and Managing Development Delivery Local Plan policies TB06 & TB21.

16. Removal of Existing Buildings - Within three months of the first occupation of the replacement dwellings, all resulting waste material and debris from the demolition of the existing buildings shall be permanently removed from the site.

Reason: In the interests of the amenity of the Countryside. Relevant Policy: Core Strategy policies CP1, CP3 & CP11 and Managing Development Delivery Local Plan policies TB06 & TB21.

17. Restriction of permitted development rights

Notwithstanding the provisions of Classes A and E of Part 1 of the Second Schedule 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 buildings, enlargement or alterations permitted shall be carried out without the express permission in writing of the local planning authority.

Reason: To safeguard the character of the area and Countryside. Core Strategy policies CP1, CP3 and CP11.

Informatives

1. 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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

2. The Council has highlighted the importance of the applicant having the correct planning permission(s) in place before any demolition or construction works start on site. This specifically refers to serious implications for the applicant in respect of potential Community Infrastructure Levy (CIL) payments that may be due if the development does not have the correct planning permission.

3. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

4. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

5. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 2 above would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

Recommendation and conditions/reasons agreed:



Date: 1 May 2025

REMEMBER - The earliest date for a decision on this application is: **27 March 2025**