

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



WOKINGHAM
BOROUGH COUNCIL

Expiry Date: 7 July 2025

Application Number: 250907

Location: 35 Robin Hood Lane, Winnersh, Wokingham

Proposal: Application to vary conditions 2 and 3 of planning consent 222974 for the phased redevelopment of the site with the proposed subdivision of the site and erection of 2 no. five bedroom detached dwellings with associated parking, following demolition of the existing dwelling. Condition 2 refers to the approved details and the variation is to reduce the size and scale of the approved dwellings through reduction in the overall rear projections and ridge heights, changes to fenestration, removal of the loft bedrooms, internal layout amendments and associated adjustments to elevations and roof design. Condition 3 refers to approved phasing plan and the variation is to alter the phasing to permit plot 2 to be constructed as phase 1, plot 1 to be constructed as phase 2 and to add phase 0, demolition as a separate phase.

Recommendation: Approve

Conditions and/or Reasons

Conditions 1, 2 and 3 now read:

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 222974 dated 12/12/2022.

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 numbered:

35 Robinhood Lane BOWIE052205 Vehicle Turning Circle Plan, BOWIE052201

Existing Floorplan and Elevations, CIL 001 BOWIE 171123 PLANS ELEVATION LEFT rev 03, CIL 002 BOWIE 171123 PLANS ELEVATION RIGHT rev 03, BOWIE052206 Topographic Survey, 35 Robinhood Lane BOWIE052208 Proposed Roof Plans, 35 Robinhood Lane Shed and Bin Store Elevations, BOWIE 0522 Location Plans, Site Survey, 35 ROBINHOOD LANE PHASE 0 PLAN XXBOWIE PP and 35 ROBINHOOD LANE PHASING 12 PLAN XXBOWIE PP2 received on 03/10/2022, 14/10/2022, 24/11/2022, 06/06/2025 and 30/06/2025.

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.

3. Approved Phasing Plan

This permission is to be carried out in accordance with approved Phasing Plans labelled 35 ROBINHOOD LANE PHASE 0 PLAN XXBOWIE PP and 35 ROBINHOOD LANE PHASING 12 PLAN XXBOWIE PP2 received on 06/06/2025.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved Phasing Plan.

All other conditions of planning permission 222974 dated 12.12.2022 apply to this planning permission, viz:

1. As above.

2. As above.

3. As above.

4. Materials

The materials to be used in the dwellings are to be in accordance with those specified on the approval drawings and application form.

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

5. Ground and building levels

No development shall take place until a measured survey of the site and a Sections Plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels shall be submitted to and approved in writing by the local planning authority, and the approved scheme shall be fully implemented prior to the occupation of the buildings.

Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy TB21.

6. Landscape Scheme

Prior to the commencement of development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. The strategy should include replacements for trees lost to development at one on each side of the parking area, along with a hedgerow to the front boundary. Surfacing to be permeable surface such as gravel over cellweb, including planting, surfacing and boundary treatments in the rear garden.

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 policy CP3 and Managing Development Delivery Local Plan policies CC03, TB06 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.

e) If the fences are replaced there is a method for replacing fence posts where located in root protection areas of trees by placing new posts in existing holes or hand digging new post holes and wrapping cement in plastic to avoid contamination on tree roots from chemical leaching from cement.

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. Biodiversity Enhancement

Prior to the commencement of the development hereby permitted, details and a plan of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The details shall include bat boxes, or bricks on and around the dwellings or retained trees, gaps in boundary fencing to enable free movement of hedgehogs, and planting of native hedgerows in accordance with Section 4.2 Table 3 of the Bat Emergence and Re- entry Surveys (Arbtech, May 2022) and Table 7 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, April 2022). The biodiversity enhancements shall thereafter be installed, retained and maintained as approved prior to first occupation of the development.

Reason: To incorporate biodiversity in and around developments or secure a net gain for biodiversity as per NPPF paras in accordance with Section 15 of the NPPF and policies CP3, CP7 and TB23 of the Local Plan.

9. Construction Environment Management Plan

No development (including demolition and site clearance) shall take place until a Construction Environmental Management Plan (CEMP Biodiversity) to control the effects of the demolition and construction work on biodiversity and protected species has been submitted to and approved in writing by the Local Planning Authority. The CEMP Biodiversity shall include measures for:

- Practical measures to avoid or reduce impacts during construction
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.

Construction activity shall be carried out in accordance with the approved CEMP Biodiversity.

Reason: This condition will ensure that protected species and species of principal importance are not adversely affected by the proposals in line with wildlife legislation, NPPF and local policies CP3 and CP7.

10. Electric Vehicle Charging

Prior to commencement of the development, details for an Electric Vehicle Charging Strategy serving the development shall be submitted for approval in writing by the Local Planning Authority. This strategy should include details relating to on-site infrastructure, the location and installation of charging points and future proofing of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that secure electric vehicle charging 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 and Appendix 2 and the Council's Parking Standards Study Report (2011).

11. Protected Species Mitigation

The development hereby permitted shall be constructed in full accordance with the required measures of mitigation given in Section 4.2 and Table 7 of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, April 2022) including timing of site clearance, pre-commencement checks for birds, reptiles and mammals, toolbox talks and ecological supervision, and procedure to be followed should protected species be found. Development shall not be carried out other than in

accordance with the measures detailed unless otherwise agreed in writing by the Council prior to first occupation of the development.

Reason: To ensure that protected species and species of principal importance are not adversely affected by the proposals in line with wildlife legislation, NPPF and Local Plan policies CP3 and CP7.

12. 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.

13. 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 /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.

14. Access surfacing

No building shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

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

15. Access to be provided

None of the dwellings shall be occupied until the access has been constructed in accordance with the approved plans.

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

16. Construction Method Statement

The development shall be implemented in accordance with the Construction Method Statement 300822 dated 30 August 2022.

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

17. Obscure Glazing and 1.7m Opening

The first floor and loft level windows in the side elevations of the development hereby permitted shall be fitted with obscured glass and shall be permanently so retained. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

Reason: To safeguard the residential amenities of neighbouring properties. Relevant policy: Core Strategy policy CP3.

18. Restriction of Permitted Development Rights (Windows)

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 additional windows or similar openings shall be constructed in the first floor side elevations of any of the dwellings hereby permitted except for any which may be shown on the approved drawing(s).

Reason: To safeguard the character of the area and neighbouring amenities. Relevant policy: Core Strategy policies CP1 and CP3.

19. Restriction of Permitted Development Rights

Notwithstanding the provisions of Class, A 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 neighbouring amenities. Relevant policy: Core Strategy policies CP1 and CP3.

20. 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. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, the granting of planning permission does not authorise you to gain access or carry out any works on, over or under your neighbour's land or property without first obtaining their consent, and does not obviate the need for compliance with the requirements of the Party Wall etc. Act 1996.

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. The applicant is reminded that a Demolition Notice may be required to be served on the Council in accordance with current Building Regulations and it is recommended that the Building Control Section be contacted for further advice.

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. 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.

6. 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.

7. During pre-application and application stages, 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.

8. 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:

- a full pre-application process was undertaken by the applicant;

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: *MC*

Date: 02.07.2025

REMEMBER - The earliest date for a decision on this application is: 28/06/2025