

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



WOKINGHAM
BOROUGH COUNCIL

Expiry Date: 21 March 2025

Application Number: 250165

Location: Tennis 33m From 32 Silver Fox Crescent 49m From Silver Fox Crescent, Silver Fox Crescent, Woodley, Wokingham, RG5 3JA

Proposal: Application to vary condition 2, 3, 21 and 22 of planning consent 230874 for the Full Planning application for the proposed erection of 1 no. self-build four bedroom detached dwelling with detached garage and parking. Condition 2, 3, 21 and 22 refers to Approved Details, Materials, Hard and Soft Landscaping and Tree Protection. The variation is to amend parts of the submitted approved details (condition 2), to discharge condition 3 (materials) by means of variation by submitting the proposed external materials to be used in the development in the form of a materials schedule, to discharge condition 21 by variation whereby development is to be implemented in accordance with a new submitted planting and landscaping plan and to amend condition 22 in order to be in accordance with the new submitted plans and statements.

Recommendation: Approve

Conditions and/or Reasons

Condition 2 now reads:

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

22009 154 D - Site plan plot 2
22009 155 E - Location plan plot 2
Received 12th June 2023
22.51 - 004 - Fire Appliance Swept Path
Received 9th June 2023

22009 007 A - House Type 7
22009 161 B - Double Garage Option B
Preliminary Ecological Appraisal, Issue 2, dated 24/11/2022, prepared by Arbtech
Received 11th April 2023

Planting Notes prepared by Nick Baldwin Garden Design
Received 24th January 2025.

Arboricultural Method Statement to BS5837:2012, prepared by arbtech, dated 28 February 2025

Arbtech TPP 01 Rev B - Tree Protection Plan
Arbtech AIA 01 Rev B - Arboricultural Impact Assessment
Received 4th March 2025

Planting Plan prepared by Nick Baldwin Garden Design, dated December 2024
Received 26th February 2025

Drainage Statement dated September 2023 prepared by Onn Point Civil Engineering
A1/001 - Proposed Drainage Layout
Soakaway 1 - 1 in 100 year + 40% CC
Soakaway 2 - 1 in 100 year + 40% CC
Soakaway Assessment
22009 164 - Site Plan Plot 2 Phasing
Received 27th September 2023

A1/002 Rev A - Drainage Construction Details - Private
Construction Method Statement
Construction Method Statement Plan
Received 21st November 2023

Written Scheme of Investigation. Site Code: WLSFC 23 dated September 2023
prepared by John Moore Heritage Services
Received 19 October 2023

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.

Condition 3 now reads:

The development hereby permitted shall be carried out in accordance with the external materials details outlined in 20250117 External Materials SSP, prepared by ET Planning dated 17th January 2025.

Reason: To ensure that the external appearance of the dwelling is satisfactory and in the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with policy CP3.

Condition 21 now reads:

The development shall be implemented in accordance with the submitted landscape and planting plan and associated planting notes, prepared by Nick Baldwin Garden Design, dated December 2024. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building.

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

Condition 22 now reads:

a) No development or other operations shall take place except in complete accordance with the Arboricultural Method Statement and associated Tree Protection Plan by Arbtech and dated 28 February 2025 (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

All other conditions of planning permission 230874 apply to this planning permission, viz:

1. Time Limit

The development hereby permitted shall commence before 25th August 2026.

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

See above.

Reason: See above.

3. Materials

See above.

Reason: See above.

4. 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.

5. 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.

6. Biodiversity

Prior to first occupation of the development hereby approved, the ecological enhancements, as outlined in 'Preliminary Ecological Appraisal', Issue 2, dated 24/11/2022, prepared by arbtech, shall be fully implemented and thereafter maintained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity on site, in accordance with policy TB23 of the MDD and CP7 of the Core Strategy.

7. 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 harm the amenities of neighbouring properties through overlooking or being 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.

8. Refuse area

Prior to first occupation of the development 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 dwelling/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 CP3 of the Core Strategy and CC04 of the MDD.

9. Access to be provided

No building 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.

10. External 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.

11. Construction Method Statement

The development shall be carried out in accordance with Construction Method Statement and Construction Method Statement Plan, both received 21st November 2023 (submitted and approved under application 232386).

Reason: In the interests of protecting the amenity of local land users or neighbouring residents, and highway safety in accordance with Policies CP3 and CP6 of the Core Strategy.

12. Archaeology

The development shall be carried out in accordance with Written Scheme of Investigation. Site Code WLSFC 23 dated September 2023 prepared by John Moore Heritage Services, received 19 October 2023 (submitted and approved under application 232386). The development shall take place in accordance with the approved WSI.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work in accordance with policy TB25 of the MDD.

13. 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.

14. Drainage

The development shall be carried out in accordance with Drainage Statement dated September 2023 prepared by Onn Point

Civil Engineering, A1/001 - Proposed Drainage Layout, Soakaway 1 - 1 in 100 year + 40% CC, Soakaway 2 - 1 in 100 year+ 40% CC Soakaway Assessment and A1/002

Rev A - Drainage Construction Details - as received 27th September 2023 and 21st November 2023 (submitted and approved under application 232386).

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 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.

15. Garage to be retained as such

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), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

Reason: To ensure that adequate parking space is available on the site, so as to reduce the likelihood of roadside parking, in the interests of highway safety and convenience. Relevant policy: Core Strategy policy CP6 and Managing Development Delivery Local Plan policy CC07.

16. 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 drawings. 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.

17. EV Charging Points

No development shall commence above foundation level until 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, 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 Core Strategy policies CP1, CP3 and CP6.

18. Unexpected Land Contamination

If land contamination is found at any time during site clearance, groundwork, and construction the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval.

Reason: To ensure that any contamination of the site is identified to allow remediation to protect existing/proposed occupants of property on the site and/or adjacent land. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3.

19. 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. This includes loading and unloading.

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.

20. Details of boundary walls and fences

No work shall commence above 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 amenity and highway safety. Relevant policy: Core Strategy policies CP1, CP3 and CP6.

21. Hard and Soft Landscaping

See above.

Reason: See above.

22. Tree Protection

See above.

Reason: See above.

23. Sustainability

The dwelling shall meet the interim Future Homes Standard in accordance with the requirements of the Building Regulations. No dwelling shall be occupied until compliance has been confirmed by an accredited assessor certifying that a 31% reduction in carbon dioxide emissions has been achieved per the Standard.

Reason: To ensure developments contribute to sustainable development in accordance with the requirements of Part L of the Building Regulations. Relevant policy: NPPF Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policy CC04.

24. Phasing

The development shall be carried out in accordance with the approved phasing schedule contained within plan 22009 164 - Site Plan Plot 2 Phasing.

Reason: To secure the programming and phasing of development in an orderly pattern.

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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

Recommendation and conditions/reasons agreed:



Date: 18/03/25

REMEMBER - The earliest date for a decision on this application is: **18 February 2025**