

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



**WOKINGHAM**  
**BOROUGH COUNCIL**

**Expiry Date:** 6 December 2024

**Application Number:** 242582

**Location:** Lark Rise, Mill Lane, Sindlesham, Wokingham, RG41 5DF

**Proposal:** Application to vary condition 2 of planning consent 220352 for the proposed erection of a 2No storey dwelling. Condition 2 refers to approved plans and the variation is for minor alterations to the design, including the addition of 2No rooflights to the front roof slope, the roof ridge/gable above the first-floor front central window, and the changes/removal of fenestration on the southern-facing side elevation (retrospective).

**Recommendation:** Approve

### **Conditions and/or Reasons**

Condition 1 removed as development has already started.

Condition 2 now reads:

This permission is in respect of the plans numbered 1268 PL101 Rev R4 received by the local planning authority on 11/10/2024 (relating to application 242582), and 1268 SH-01 Rev R2 received by the local planning authority on 17 March 2022 (relating to application 220352). The development shall be retained 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.

All other conditions of planning permission 220352 apply to this planning permission, except where updated to reflect any subsequent discharge or commencement of development viz:

1. See above

*Reason: See above*

2. See above

*Reason: See above*

3. Landscaping

The development shall be implemented fully in accordance with the details of both hard and soft landscape proposals submitted under discharge of condition application Ref. 221638. 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 and TB21.*

#### 4. Sustainable drainage

The development shall be implemented fully in accordance with the drainage details for the site submitted under discharge of condition application Ref. 221638. 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: To prevent increased flood risk from surface water run-off. Relevant policy: NPPF Section 14, Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.*

#### 5. Bin storage

The development shall be implemented fully in accordance with the bin storage details submitted under discharge of condition application Ref. 221638. The bin storage shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

*Reason: In the interests of visual and neighbouring amenities and functional development. Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.*

#### 6. Biodiversity enhancements

The development hereby approved shall take place fully in accordance with the biodiversity enhancement details approved in writing by the local planning authority in respect to discharge of condition application Ref. 221638. The biodiversity enhancements shall be installed as approved.

*Reason: To incorporate biodiversity in and around developments. Relevant policy: NPPF paragraphs 179 and 180, Core Strategy Policy CP7 and Managing Development Delivery Local Plan Policy TB23.*

#### 7. Contamination

In the event that contamination or hazardous materials is found at any time when carrying out the development hereby approved, it must be reported in writing immediately to the local planning authority. Any subsequent investigation/remedial/protective works deemed necessary by the local planning authority shall be carried out to agreed timescales and approved by the local planning authority in writing.

*Reason: To ensure any contamination on the site is remedied to protect the existing/proposed occupants of the application site and adjacent land. Relevant policy: NPPF Section 15 and Core Strategy policies CP1 and CP3.*

#### 8. Protection of trees

No operations shall commence on site in connection with development hereby approved (including any soil moving, use of motorised vehicles or construction

machinery) until the tree protection fencing already in place around the hedgerow as part of the approved development in planning permission 181378 are in place on site.

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.

The fencing or other works 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.

#### 9. External materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details specified on the application form, unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

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

#### 10. Car parking

No part of the building hereby permitted shall be occupied or used until the vehicle parking space has been provided in accordance with the approved plans. The vehicle parking space shall be permanently maintained and remain available for the parking of vehicles at all times.

*Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity.* Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

#### 11. Cycle parking

No part of the building hereby permitted shall be occupied until the secure and covered cycle parking has been provided in accordance with the approved drawings. The cycle 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.

#### 12. Visibility splay provision

No part of the building hereby permitted shall be occupied until visibility splays of 2.0m by 2.0m (inclusive of existing boundary fencing) have been provided at the intersection of the driveway and the private road in accordance with the approved details. Dimensions are to be measured along the edge of the drive and the road

from their point of intersection). The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6m.

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

### 13. Permeable surfacing

The hard surfacing hereby permitted shall be constructed from porous materials or provision shall be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the development, and the hard surfacing shall thereafter be so- maintained.

*Reason: To prevent increased flood risk from surface water run-off. Relevant policy: NPPF Section 14 and Managing Development Delivery Local Plan policies CC09 and CC10.*

### 14. Restriction of permitted development rights

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 level or above in the northern side elevation of the dwelling.

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

## **Informatives**

### 1. Community Infrastructure Levy

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](mailto:developer.contributions@wokingham.gov.uk).

### 2. Changes

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.

### 3. Protected species

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is

advised to contact Natural England with regard to any protected species that may be found on the site.

Should any Great Crested Newts or evidence of Great Crested Newts be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist 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.

#### 4. Mud on the road

Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

5. It is acknowledged that conditions 3, 4, 5 & 6 of planning permission 220352 have been already discharged by application 221638.

Recommendation and conditions/reasons agreed:



Date: 14 November 2024

**REMEMBER** - The earliest date for a decision on this application is: **5 November 2024**