

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	240665
Site Address:	178 Bearwood Road, Barkham, Wokingham, RG41 4SH
Expiry Date:	7 June 2024
Site Visit Date:	16 April 2024
Proposal: Full application for the proposed erection of 1 no. four bedroom detached dwelling with associated landscaping following demolition of the existing dwelling and garage.	

PLANNING CONSTRAINTS/STATUS

Countryside
Contaminated Land Consultation Zone
Green Routes and Riverside Paths
Bat Roost Habitat Suitability
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Tree Preservation Orders
Landscape Character Assessment Area

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB07 – Internal Space Standards TB21 – Landscape Character TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development

Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Barkham Village Design Statement

PLANNING HISTORY

Application No.	Description	Decision & Date
061138	Application for a certificate of existing lawful use for the use of an existing annexe as a separate dwelling.	Approved: July 2006

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No objection subject to a condition
WBC Drainage – No objection subject to a condition
WBC Highways – No objection subject to conditions
WBC Economic Prosperity & Place (Community Infrastructure) – No comments
WBC Landscape and Trees – Objection
WBC Ecology – No comments
WBC Built Heritage Officer – No objection subject to conditions
WBC CIL – CIL liable development
WBC Education (School Place Planning) – No comments
WBC Cleaner and Greener – No comments
WBC Ecology Newts – No objection subject to a condition

External

Thames Water Utilities Ltd – No comments
South East Water – No comments

REPRESENTATIONS

Barkham Parish Council	Request that further consideration is given to the potential heritage of the existing dwelling. If any heritage issues are not deemed relevant, the PC have no objection subject to compliance with the Barkham Village Design Statement.
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Site Description:

The application site is located within the countryside, along Bearwood Road, in Barkham. The dwelling as existing is relatively isolated but the site borders No.176 Bearwood Road. Certificates of lawful use (reference 231275 & 231276) have recently been granted for two dwellings on adjoining land. Despite the nearby development, the

area remains characterised by its protected woodland border and minimal surrounding built form.

Proposal:

The site currently comprises an existing semi-detached pair of dwellings and a detached garage. This application seeks to replace the larger of these semi-detached properties, for the erection of a detached dwelling. The remaining property being the Lawful Annex Dwelling, which was granted a certificate of lawful use as an independent dwellinghouse in 2006.

The replacement dwelling is a contemporary design and is of a greater size than the existing property. The position of the replacement dwelling would also differ to the existing, being moved further into the north of the site.

Despite the above, an amended site plan has been received showing the re-positioning of the property in closer proximity to the current dwelling's location than originally submitted.

Red Line Plan:

The red line (Site Location Plan) ref: 640 00 Rev A, includes a second dwelling at the site (approved under the Certificate 061138) and over 50% of the land within the red line is a woodland, protected by Tree Protection Orders (20/1973) and (87/1978). It has been requested that the red line is amended to include the residential property and its residential curtilage/garden only, with all other land outlined in blue. The Agent has refused to amend the drawing. The Development Management Procedure Order (England) Order 2015 requires the red line plan to include "land to which the application relates". The plan does this and therefore is not technically invalid, but it also includes land which the application does not relate to. The red line submitted is not part of the residential development.

In addition to this, driveway works and gates/boundary treatments are shown on the site plan which are outside the residential curtilage of the dwelling and are not included in the description of development. No further details have been provided as to the nature of these gates/boundary treatments.

Further details on both the curtilage of the replacement dwelling and the boundary treatments will be required via condition.

Principle of Development:

Section 38(6) of The Planning and compulsory purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Core Strategy (CS), the Managing Development Delivery Local Plan (MDD) and Central and Eastern Berkshire Joint Minerals and Waste Plan (Joint Plan) (2023) which are read alongside the NPPF.

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan.

The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located outside of settlement limits within the designated countryside as per CC02 and would not result in a residential net gain that contributes to housing delivery numbers. Therefore, utilising the Council's adopted development plan without engaging the tilted balance, Core Strategy Policy CP11 is the relevant policy to assess whether the proposal is acceptable in principle by virtue of the site's countryside location.

Core Strategy:

Policy CP11 of the Core Strategy does not ordinarily permit development outside of development limits, however, there are exceptions. Regarding replacement dwellings, the policy states that the proposal must: 'Bring about environmental improvements' or 'Not result in inappropriate increase in the scale, form or footprint of the original building.'

The proposed dwelling would mark a significant increase in the mass of built form on the site. The volume calculations submitted by the agent indicate that the proposed property would have a volume of approximately 1200m³, which would be a 76% increase from the existing dwelling (approximately 682m³). Notwithstanding the proposed increase in scale, it is not considered that the proposal would undermine the overall purpose of Policy CP11 in preventing excessive encroachment into the countryside.

The dwelling does not wholly comply with the guidance within the WBC Design Guide in terms of size increase, which suggests that a 50% increase in volume for a 1 storey dwelling is acceptable. However, this existing dwelling is 2 storeys, and therefore does not result in an inappropriate increase in scale, form or footprint from the original building.

As stated, replacement dwellings in the countryside must demonstrate that they bring about environmental improvements. The proposed plans indicate both renewable energy technologies in the form of Solar Panels and an Air Source Heat Pump, as well as other sustainability features. Although the initial process of demolishing a property for the erection of a larger one is in itself an unsustainable practice, it is considered that the proposal has appropriately demonstrated that it would support long term environmental improvements.

With all the above considered, it is concluded that the proposed replacement dwelling is acceptable in principle and compliant with CP11 of the Core Strategy.

Character of the Area:

The character of the area is immediately defined by its verdant and open setting with large separation distances. The nearest residential sites on Bearwood Road are characterised by large dwellings sited on extensive plots. There is notable variation between the dwelling types and their designs.

The site sits in the L1: Bearwood Wooded Sand and Gravel Hills Landscape Character Area. The site is well wooded and the access to the site is from Bearwood Road, identified in the Arborfield and Barkham Neighbourhood Plan (2020) as a locally valued natural asset.

Bearwood Road is a Green Route which, here, marks the eastern boundary of the grounds of Bearwood House, a Grade II* listed building. Bearwood Park is a Registered Historic Park and Garden of national significance.

The woodlands on the site are protected by long-established TPOs.

The site sits wholly within the Barkham and Bearwood Valued Landscape identified in the Council's Valued Landscape Topic Paper (2020). Paragraph 180 of the NPPF states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'

The landscape strategy for the area is described in the Wokingham Borough Landscape Character Association (2019):

The key aspects to be actively managed are the mixed woodland and the features associated with the historic landscape. There are also opportunities to strengthen open water, woodland and remnant heathland habitats, and manage the exotic species ...

In terms of development, the WBLCA (2019) describes the aim as: *'to conserve the unsettled character of the area'.*

Policy CP3 states that planning permission will be granted for proposals that are of an appropriate scale of activity, layout and character of the area without detriment to the amenities of adjoining land users including open spaces and have no detrimental impact upon important landscape features.

It is expected of a replacement dwelling to be in the same or similar position to the existing dwelling, particularly in this location, as the existing dwelling has no associated curtilage or garden to prevent further spreading of domestic paraphernalia. This is discussed at 8.5.3 in the Design Guide. RD11 states *"The form, or massing of a replacement dwelling should relate well to its context and to local character. The relationship between the form of the building, the topography and landscape, will be of particular importance"*.

The position of the proposed dwelling as originally submitted was considered to have an uncomfortable relationship with the site, as most properties along Bearwood Road are located centrally within their plots. The revised position means that it is a lesser distance away from the existing dwelling and built form on the site, thus reducing the effect of unnecessary encroachment into the countryside. The amended position of the property is now considered to adequately maintain the woodland character and appearance of Bearwood Road. In addition, moving the dwelling further away from the TPO woodland will reduce pressure on its trees and samplings, while also preserving a greater degree of distinction between the residential setting and the natural woodland.

While the modern design of the proposal marks a significant departure from the existing dwelling, this would not cause harm due to the varied nature of built form in the area. Furthermore, it is considered that the existing dwelling has no particular architectural merit, and its external appearance has a neutral contribution to the character of the area. This proposal provides the opportunity to enhance the site's contribution to the character of the area in this respect, and given the matching proportions, external detailing, and architecturally interesting features, the quality of the design is considered to achieve this aim. The materials proposed include a mixture of brick with timber framing and large expanses of fenestration. These are considered appropriate in this countryside setting.

Further to the above, there is a sporadic pattern of development within the immediate locality with no defined boundary between buildings and the open countryside. The scale of the proposal would not be disproportionate to other dwellings on similarly sized plots within the wider area, and the proposal would consolidate built form into one, albeit larger, building, as opposed to the existing property and detached garage. The proposal is therefore not considered to undermine the coherence of the street scene, nor have an undesirable impact on the established pattern of development and visual landscape characteristics of the area.

The Trees & Landscape (T&L) Officer originally raised an objection to the scheme on the grounds it would harm the valued landscape, countryside, TPO woodland and the general landscape character of the site. Upon review of the amended position of the proposed dwelling, the Officer accepts that this relocation does constitute an improvement, however, they did not feel that all their concerns were addressed, which largely relate to the scale of the replacement dwelling and what is thought to be a lack of integration into the landscape.

For the reasons stated above, it is not considered that the remaining objection from the T&L Officer now identified the same level of harm. An emphasis was originally placed on the extent in which the replacement dwelling was pushed northwards from the existing properties position, which has now been significantly reduced. This has reduced the encroachment into the open countryside and the valued landscape. It is therefore considered that the proposal now conserves the unsettled character of the area, in line with the landscape strategy of this area.

TPO Woodland:

The proposal, as originally submitted, would have brought built form into the TPO woodland area, albeit this area is temporarily a woodland lawn. Woodland lawns do exist naturally but are sometimes created through anthropogenic activities.

Moving built form closer to the woodland TPO would have increased the pressure to extend the garden into the woodland, inhibit its ability to regenerate, and thus undermine the woodland and the amenity it brings to the locality. The amended plans have reduced any concerns in this respect, with the dwelling and associated domestic paraphernalia being moved significantly away from the edge of the woodland.

Despite the objection of the Trees & Landscape Officer remaining, some conditions have been recommended in the case of an approval. These include the requirements for:

- 1- An Environmental Colour Assessment
- 2- Landscape and Ecological Management Plan
- 3- A Lighting Assessment
- 4- A Landscape Scheme
- 5- Tree Protection
- 6- Tree Retention
- 7- Material and Finishes

Upon assessment in detail, conditions 1-3 are generally requested for significantly larger developments than the one proposed through this application and in this instance are considered disproportionate to the scale of proposal. However, conditions 4-7 are acceptable, with further details on some of these matters being required prior to the commencement of the development to ensure no undue harm.

Heritage:

The existing buildings are set back from the highway and screened by dense vegetation to its roadside front boundary, which compliments the verdant characteristic of this part of Bearwood Road that has the wooded grounds of Bearwood, a registered historic parkland, lying along the western side of the highway.

The dwelling is not shown in the 1873 edition of the OS map. It appears that it was sometime after the 1933 edition of the OS maps that the single-storey form of dwelling seen today (without the link to the annexe) emerged. This building is considered to hold no historic significance. As such, from a heritage stance, no objection would be raised to the demolition of this dwelling.

Neighbouring Amenity:

The proposal would introduce a number of habitable windows at first floor level, which would give rise to a wider outlook than the existing ground floor windows of the existing bungalow. Notwithstanding, the separation distances to the nearby annexe dwelling and other properties would prevent any overlooking concerns.

In similar fashion to the above, despite the increase in bulk, the replacement dwelling would be sufficiently distant from nearby properties due to the extensive plot, thus preventing any potential loss of light or overbearing impact to neighbouring plots.

Amenity:

Policy TB07 of the MDD and R17 of the SPD require adequate internal space to ensure the layout and size achieves good internal amenity. The 'Technical housing standards – nationally described space standards' defines that a two storey, four-bedroom dwelling should have a minimum gross internal area of 97 to 124 sqm. A dwelling should also accommodate for a minimum combined floor area of living, dining and kitchen space; 27sqm is advised for a 4-person dwelling according to the Borough Design Guide. The dwelling would have a living, dining and kitchen space of approximately 69.6m², therefore exceeding the minimum requirement.

The size of bedrooms 1 & 3 and the master bedroom would comply with the minimum recommended floor space for twin/double bedrooms (11.5 sqm) as set out in the nationally described internal space standards. Bedroom 2 would fall slightly short of this requirement, however, given the marginal shortfall, it is not considered that this would not be detrimental to the amenities of the occupiers. All the habitable rooms would be served by appropriately sized windows and fenestration. As such, the internal living environment for the proposed dwelling is acceptable.

The dwelling also achieves an acceptable standard of external amenity for existing and future users, although the exact boundaries of the residential garden will need to be clarified through a boundary treatment condition and hard and soft landscaping.

Highway Access and Parking Provision:

The proposed replacement dwelling would utilise the exiting access onto Bearwood Road which is considered acceptable.

The parking and turning layout will be revised and the space available is considered sufficient to accommodate the level of parking required by WBC parking standards.

Independent, secure, and covered cycle parking has been indicated and this is welcomed.

EVC provision is required in accordance with Building Regs Approved Doc S. There is opportunity within the proposed layout to enable this to be fulfilled.

Flooding and Drainage:

The site is within Flood Zone 1 and WBC Drainage would have no objection to the principle of the development, however, the application form proposes surface water management via SuDS. Whilst revised drainage details were submitted, these related to the dwelling's previous position. As such, it is considered appropriate for a condition requiring further updated drainage details is recommended to ensure they relate to the development as proposed.

Ecology:

The proposed development is in the red impact risk zone for great crested newts (GCN), meaning there is highly suitable habitat and a high likelihood of the species on the site. A condition would have been recommended to ensure the applicant provides a precautionary working method statement to mitigate any potential impacts to GCN and their habitats.

The buildings present on site are not considered to be bat roosts and no evidence of bat activity was found during the survey. The buildings are assessed as providing negligible roost potential for bats and no further surveys are recommend.

Conclusion:

For the reasons set out above, the proposal would not undermine the intended purpose of Policy CP11. It would have an acceptable impact on the character of the area and on the amenities of neighbouring residents and there are no other material considerations that would warrant a refusal of the application. It is therefore acceptable, and the application is recommended for conditional approval.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Yes
Recommendation:	Approve
Date:	28 June 2024
Earliest date for decision:	12 April 2024

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	28.06.24



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY
PLANNING (ENGLAND) 1990**

ET Planning
ET Planning
200 Dukes Ride
Crowthorne
RG45 6DS

NOTIFICATION OF APPROVAL OF PLANNING PERMISSION

Application Number: 240665
Applicant Name: Mr Joseph Kay
Site Address: 178 Bearwood Road, Barkham, Wokingham, RG41 4SH
Proposal: Full application for the proposed erection of 1 no. four bedroom detached dwelling with associated landscaping following demolition of the existing dwelling and garage.
Date of Decision: 28 June 2024

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **grants permission** for the above development to be carried out as stated in the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Conditions and Reasons

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. Approved details

This permission is in respect of the submitted application plans and drawings numbered (640-PL-07 C) (640-PL-11 B) (640-PL-12 A) (640-PL- 10 A) (640-PL-09 A) received by the local planning authority on 13/06/2024, 27/06/2024 & 28/06/2024. 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. External materials

The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be in accordance with the Design and Access Statement (Figure 08 – Material diagram) produced by Artel31 LTD, received by the Local Planning Authority on 15 March 2024.

Reason: To ensure that the external appearance of the building is satisfactory.

Relevant policy: Core Strategy policies CP1 and CP3.

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. Drainage

No development shall take place until 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. 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: To prevent increased flood risk from surface water run-off. Relevant policy: NPPF (2019) 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.

7. Unforeseen contamination condition

1) Should any unforeseen contamination be encountered during the development, a scheme assessing the risk and the measures to be taken to avoid risk to human health and to the built and natural environment when the site is developed, shall be submitted to, and approved in writing to the local planning authority. Prior to occupation of the development, verification of the implementation of the approved mitigation measures shall be submitted to and approved in writing to the local planning authority.

2) Prior to occupation, if no unforeseen contamination is encountered during the development, a statement to that effect shall be submitted to the local planning authority.

Reason: To ensure that any contamination of the site is identified at the outset 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.

8. Landscaping

Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, any existing trees or shrubs to be retained, and means of treatment of hard surfaced areas. The landscaping scheme shall also include the extent of the residential garden and any patio areas of the dwelling hereby permitted. The development shall be carried out in accordance with the approved details, with planting occurring in the first planting and seeding seasons following the occupation of the building(s). 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 (and TB06 for garden development).

9. 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.

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. Great Crested Newts

Prior to the commencement of any development a precautionary working method statement shall have been submitted to, and approved in writing by the Local Planning Authority. This is to include details of reasonable avoidance measures for great crested newts. The development shall proceed in accordance with the approved measures, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the survival of species protected by legislation and notable species that may otherwise be affected by the development. Relevant Policy: TB24 of the MDD Local Plan.

12. Removal of Existing Buildings

Within three months of the first occupation of the replacement dwelling, 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.

13. Boundary Treatments

The dwelling hereby permitted shall not be occupied until full details of boundary treatments are submitted to and approved in writing by the Local planning Authority. The boundary treatment shall include the extent of the residential garden of the dwelling hereby permitted, along with measures for the physical separation of garden land with surrounding woodland. The boundary treatment shall include native hedge planting and post and rail fencing of no more than 1.2m in height and long term management. The approved boundary treatment shall be implemented prior to the occupation of the dwelling and be maintained at all times thereafter.

Reason: To prevent loss or deterioration of irreplaceable habitats (such as deciduous woodland) TPO trees and valued landscape and in the interest of visual character of Bearwood Road in the context of the setting of the registered historic park. Relevant Policy:

National Planning Policy Framework, MDD Local Plan policies CCO3, TB21 and TB24 and Core Strategy policies CP1 and CP3.

Informatives

1. Please note that if the works carried out depart from the scope of this planning permission and a retrospective application under Section 73A is subsequently required, there may be CIL liability implications. The scope of any retrospective planning application will cover the chargeable development for the purposes of CIL, this will include past works that are unauthorised and any additional future works included within the planning permission. If the total floorspace of these works is over 100sqm, they will be liable to pay CIL. In such cases, no CIL exemption can be claimed, and payment will become due immediately as development for which planning permission is granted under a subsequent Section 73A or Section 177(1) application must be treated as commencing on the day any such planning permission is granted. Any demolished floorspace will not be able to be considered for offsetting if the relevant building is not on the land on the day that the permission is granted.

2. 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.

3. 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.

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. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence

from Natural England or opt into Wokingham Borough Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Signed

MHead

Marcia Head

Head of Development Management - Place & Growth

Date: 28 June 2024

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (ENGLAND) 1990

Other statutory legislation: This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

The Town & Country Planning (Development Management Procedure) Order: This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

Officer Report: An officer report explaining the decision will be available to view online.

Purchase notices: If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council which will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Appeals to the Secretary of State: If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990). This must be within the timeframes set out below. Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

12 weeks from the decision date above in the case of a refusal of a 'householder' application:
Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,
Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.

12 weeks from the decision date above in the case of a refusal of a 'minor commercial' application:
Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5

where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.

6 months from the decision date above in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

6 months from the decision date above in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service with information and guidance about the process. You can submit [full application appeals](#) and [householder application appeals](#) with the new appeals service. [Other application types](#) should be submitted on the current appeal service. Alternatively, you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Inspectorate's website](#). Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

In the event of a grant of planning permission, please note the following:

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing 'Form 2', the assumption of liability notice, is a statutory requirement for the liable party(ies) to be completed for all CIL liable applications. Advice on how the Regulations may impact you and how you can properly discharge the relevant legal requirements including paying any relevant CIL charge that may be due is available on our [Community Infrastructure Levy advice \(wokingham.gov.uk\)](http://wokingham.gov.uk) website pages.

Discharge of Conditions: This consent may contain conditions that require further approval by submission of an application for approval of details reserved by condition and the appropriate fee. Application forms can be obtained for this purpose by visiting the [Planning Portal](#).

Street Naming and Numbering for new dwellings: If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site to arrange for an address and post code to be allocated. Details can be obtained from streetnamingandnumbering@wokingham.gov.uk. Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.

Access to privately owned land: The applicant is reminded that this permission does not give right of entry to land not in the ownership of the applicant. Permission must be sought from any other landowner(s) if access is required.

Gas Mains and Services: Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://Home-LinesearchbeforeUdig.lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or plantlocation@sgn.co.uk.

Building Regulations: The development subject to this permission may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's [Building Control website](#) or call 0300 790 0580 to speak to a member of the team.

Fire Regulations: In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following:

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

Biodiversity Net Gain: The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wokingham Borough Council.

Biodiversity Net Gain Exemptions and Transitional Arrangements: There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#), and [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#).

Biodiversity Net Gain Irreplaceable Habitat: If the onsite habitat includes irreplaceable habitat (within the meaning of [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) there are additional requirements. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Biodiversity Net Gain Section 73(2D): If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Biodiversity Net Gain Phase Development: If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#) apply. In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).