

Agenda Item 60.

App Number	Expiry Date	Parish	Ward
222590	20 December 2022	Winnersh	Winnersh

Applicant	Mr John Brunt
Site Address	5A-C Mayfields, Sindlesham RG41 5BY
Proposal	Application to vary conditions 2-11-17-18 and 19 of planning consent 152286 for the proposed erection of three detached dwellings with associated access and parking following the partial demolition of the existing dwelling. Variations include to Conditions 2 (Approved details) and 11 (landscaping) to supply new plans, Condition 17 (garages) to allow bike storage and Conditions 18 (Cycle storage) and 19 (Bin storage) to seek their removal
Type	Full (variation to planning permission)
Officer	Simon Taylor
Reason for determination by committee	Listed by Councillor Bray for reasons of loss of amenity for neighbouring residents

FOR CONSIDERATION BY	Planning Committee on Wednesday 14 December 2022
REPORT PREPARED BY	Assistant Director – Place and Growth
RECOMMENDATION	APPROVAL subject to conditions and informatives

SUMMARY

The original approval involved the erection of three detached, two-storey dwellings on a backland site with access and parking. It was approved in 2014 but more recent enforcement enquires have found that the parking and landscaping schemes were not implemented in accordance with the approved plans and the cycle storage and bin storage has not been provided.

The subject application seeks to regularise these breaches by adopting a revised landscape and parking arrangement (initially as it was reflected on the ground), rely upon garages for the storage of bikes and agree that bin storage is not required. Objections have been received from residents within the development as well as neighbouring properties which include aggrievances with the development not being delivered in accordance with the approved plans but also a lack of parking and turning, a poor landscape scheme and inadequate bin storage. Winnersh Parish Council have also objected.

Initial objections from the Council's Highways and Landscape Officers have resulted in revised plans being submitted. These amendments have brought about a satisfactory parking arrangement and landscape scheme such that the application is acceptable. Provision of cycle storage within the garages is not agreed but given the minor scale of the development, dedicated bin storage is viewed as unnecessary. Conditions 2, 11, 17, 18 and 19 are amended/removed to reflect these changes. Conditions where details have been discharged have also been amended to reflect their discharged status.

RELEVANT PLANNING HISTORY

PLANNING HISTORY		
App No.	Description	Decision/Date
O/2007/0961	Four dwellings (outline)	Withdrawn 18 June 2007
O/2007/1905	Four dwellings (outline)	Refused 2 October 2007
O/2008/0287	Four dwellings (outline)	Refused 27 March 2008
A/08/2072385	Appeal against refusal of O/2008/0287	Dismissed 5 November 2008
O/2009/0631	Four dwellings	Not proceeded with
O/2010/0366	Four dwellings (outline)	Approved 18 May 2010
F/2013/0320	Four dwellings	Approved 3 July 2013
F/2013/1928	Three dwellings	Refused 20 December 2013
F/2014/2581	Three dwellings	Approved 11 March 2015
152286	Variation of F/2014/2581	Approved 14 April 2016
172861	Discharge of details in 152286	Approved 19 January 2018
ENFORCEMENT HISTORY		
RFS No.	Description	Decision/Date
2020/085790	Use of bin store area as garden	Not expedient. Closed 9 April 2021
2021/086264	Development not in accordance with the approved plans	Application submitted. Closed 9 September 2022

DEVELOPMENT INFORMATION

	Approved	Existing/Proposed
Land use	Residential	Residential
Site area	1525m ²	1515m ²
Dwellings	3	3
Parking spaces	10	10
Cycle storage	2 spaces/dwelling	Garage provision only

CONSTRAINTS

- Limited Development Location
- AWE Burghfield consultation zone (12km zone)
- Flood Zone 1
- Tree Preservation Orders 1231/2008 and 1318/2009 over side boundaries
- Bat consultation zone
- Great Crested Newt consultation zone
- Minerals consultation zone
- Sand and gravel extraction consultation zone
- Non-classified road
- Unadopted highway

CONSULTATION RESPONSES

WBC Env. Health	No comments received.
WBC Highways	Objections raised due to a lack of parking and turning. <u>Officer comment:</u> Refer to comments in paragraph #.

WBC Trees and Landscaping	Objections raised due to a reduction in the amount of landscaping, since resolved via amended plans.
WBC Cleaner and Greener	No comments received.

REPRESENTATIONS

Winnersh Parish Council	Objection, due to the unreasonable variations against the agreed planning application. Enforcement should be applied.
Ward Member	<p>Councillor Bray has listed the matter for the Planning Committee to consider based on concerns with loss of amenity for neighbouring residents. Concerns were also raised in a separate submission with the following:</p> <ul style="list-style-type: none"> • Lack of notification • Conditions were appropriate and change is unnecessary • Not building in accordance with the conditions does not mean that the conditions should be allowed to be ignored <p><u>Officer comment:</u> The legislation allows retrospective variation to a planning permission (including any conditions) and the report provides a consideration of the scheme as revised.</p>
Neighbours	<p>The application was consulted to neighbours from 2-23 September 2022. Submissions were received from the following properties:</p> <ol style="list-style-type: none"> 1) Mayfields, Sindlesham RG41 5BY (no number specified) 2) 3A Mayfields, Sindlesham RG41 5BY (x2) 3) 5B Mayfields, Sindlesham RG41 5BY 4) 5C Mayfields, Sindlesham RG41 5BY 5) 7 Mayfields, Sindlesham RG41 5BY (x2) <p>The submissions raised the following issues:</p> <ul style="list-style-type: none"> • Garage is not sufficient to accommodate bikes <p><u>Officer comment:</u> Refer to comments at paragraph #.</p> <ul style="list-style-type: none"> • Available resident parking is not accurately described (there are not seven spaces) <p><u>Officer comment:</u> Refer to comments at paragraph #.</p> <ul style="list-style-type: none"> • Parking layout restricts turning space <p><u>Officer comment:</u> An aisle width of at least 6m is required for turning and to allow forward movement from the site. This is maintained.</p> <ul style="list-style-type: none"> • Bin store has not been used as it has not been provided • Land where the bin store was proposed has not been reclaimed as it was not in public ownership • Bin store could go at the entrance, thus improving visibility

Officer comment: Whilst there may be some dispute about whether the bin store had ever been provided, the commentary at paragraph # concludes that its provision is not necessary.

- Landscaping should not be changed based on changes to car parking
- Changes detract from the area

Officer comment: The planning assessment requires a balanced consideration of parking and landscaping requirements, with reference to Policy TB06 of the MDD Local Plan. This is outlined at paragraph #.

- Funds have already been received to comply with conditions
- There is a restrictive covenant requiring completion with the existing approved plans
- Only the owners and not the builder should be allowed to amend the conditions

Officer comment: These are not relevant planning considerations. In terms of the latter, the application applies to the land and not a specific applicant and variation of conditions is permitted by the builder.

- Part owner has not been consulted of the application being submitted
- Procedure has not been followed (are 5A and 5B included?)
- Owner/occupier of 5C has not been notified

Officer comment: The application form was invalidated, and a revised application was accompanied by Certificate B. The owners/tenants specified on the form correlate with the Council's review of land registry documents.

- No reason that the variations should be agreed

Officer comment: The application was accompanied by a Planning Statement outlining reasoning for the changes.

- Contrary to application form, the development has not been completed

Officer comment: It is noted that not all the approved works, including hard landscaping have been implemented but that occupation of the dwellings has occurred. This has led to enforcement considerations and the submission of the subject variation application.

- Implied approval via pre application is not appropriate

Officer comment: It is assumed that this is a reference to enforcement discussions. It is agreed that any informal discussions at this stage are not relevant for the planning consideration.

- Pre occupation conditions need to be met

- Developer has ignored the landscaping and biodiversity recommendations
- Visibility splays have not been provided
- Paving has not been completed

Officer comment: Condition 4 (Code for Sustainable Homes) has not been discharged but is addressed in Informative 2. Condition 20 (visibility splays) would form part of a separate enforcement consideration. Condition 14 (Biodiversity enhancement) does not include a trigger for completion by a certain time and so any failure to implement the enhancements is not contrary to the planning permission. Condition 11 (landscaping) is sought to be amended as per the subject application. It includes the application of gravel instead of tarmac as a hard surface. As part of the overall assessment, it is not opposed on any planning grounds.

PLANNING POLICY

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Core Strategy 2010

- Policy CP1 – Sustainable Development
- Policy CP2 – Inclusive Communities
- Policy CP3 – General Principles for Development
- Policy CP6 – Managing Travel Demand
- Policy CP7 – Biodiversity
- Policy CP8 – Thames Basin Heaths Special Protection Area
- Policy CP9 – Scale and Location of Development Proposals

Managing Development Delivery Local Plan 2014

- Policy CC01 – Presumption in Favour of Sustainable Development
- Policy CC03 – Green Infrastructure, Trees, and Landscaping
- Policy CC04 – Sustainable Design and Construction
- Policy CC06 – Noise
- Policy CC07 – Parking
- Policy CC09 – Development and Flood Risk
- Policy CC10 – Sustainable Drainage
- Policy TB21 – Landscape Character
- Policy TB23 – Biodiversity and Development

Other

- Borough Design Guide Supplementary Planning Document
- Swallowfield Village Design Statement
- CIL Guidance

PLANNING ISSUES

Proposal

1. The approved development (F/2014/2581) involved the following:
 - Partial demolition of 5 Mayfields to allow construction of an access road and demolition of existing dwelling at the rear
 - Erection of three two storey detached dwellings (two x 4-bed and one x 5-bed) with attached garages
 - Three additional allocated parking spaces and four unallocated parking spaces across the site
 - Associated site works, including close boarded fencing around the perimeter, bicycle storage, communal bin store, hard and soft landscaping, and tree planting
2. Variation application 152286 approved the alteration to the design and external appearance of the approved dwellings.
3. The approval, as varied, was subject to the following pre-commencement or pre-occupation conditions:

Pre commencement

- Condition 3 (External materials)
- Condition 5 (Potential contamination)
- Condition 10 (Ground and building levels)
- Condition 11 (Landscaping)
- Condition 12 (Protection of trees etc)
- Condition 14 (Biodiversity enhancements)

Pre-occupation

- Condition 4 (Code for Sustainable Homes)
- Condition 19 (Bin store)

4. Application 172861 discharged Conditions 3, 5, 10, 11, 12, 14, 18 and 19. The dwellings are now occupied, and Condition 4 has not been discharged.
5. The subject variation application follows an enforcement investigation into incomplete works or inconsistencies with the approved plans. It involves the following retrospective changes:
 - Revisions to the layout of the communal parking and landscaping
 - Removal of the approved bin store at the main entrance with a subsequent change to the red line boundary alongside 7 Mayfields and removal of Condition 19 (bin store), as discharged
 - Removal of the separate bike stores for each dwelling and provision of storage within the garages instead, with a subsequent variation to Condition 17 (which limits garages to the storage of vehicles only) and removal of Condition 18 (bike storage) because it is no longer required

Site Description

6. The site includes land that previously comprised the rear gardens of 5 and 7 Mayfields and now comprises three detached two storey dwellings and lying adjacent to a residential development known as Barkham Place to the northwest, and a care home (Lord Harris Court) to the southwest. The surrounding area is characterised by large, detached dwellings set in spacious plots though more recent development is more densely developed.

Principle of Development

7. The site is within a limited development location and the original approval was acceptable in principle. The subject variations do not affect the overall principle of the development and the scope of the works are acceptable within a section 73 variation. There is a small change to the red line plan at the front of the access with the removal of the bin collection area in a small, indented area of land now used by 7 Mayfields. It totals 10m² which as a proportion of the overall site area (1525m²) is a 0.6% change in the site area. Given the very minor nature of the change, it is also reasonable within a section 73 variation.
8. Notwithstanding, Policy TB06 of the MDD Local Plan relates to backland development which seeks to avoid inappropriate development of residential gardens where there is harm to the local area. Permission would only be granted where there is, amongst other factors, appropriate hard and soft landscaping, and adequate space for car parking. R22 of the Borough Design Guide SPD expands on this by requiring a satisfactory living environment for future residents and a positive public realm that is not solely focused on technical highways requirements. These aspects of the development are discussed below.

Character of the Area

9. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design. R1 of the Borough Design Guide SPD requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area, R20 requires consideration of external elements including the bin and cycle storage to avoid proliferation of clutter and P2 seeks to ensure that parking is provided in a manner that is compatible with the local character.
10. The changes include the removal of bin and cycle storage sheds, which removes some external clutter from the rear gardens and the common area. On its own, this has a positive impression upon the area, albeit to a minimal degree. The primary changes to the parking layout have, however, resulted in a reduction in the amount of soft landscaping within the common areas, and this is part of the consideration of Policy TB06 of the MDD Local Plan and R22 of the Borough Design Guide. The character implications of this change are discussed from paragraph 24.

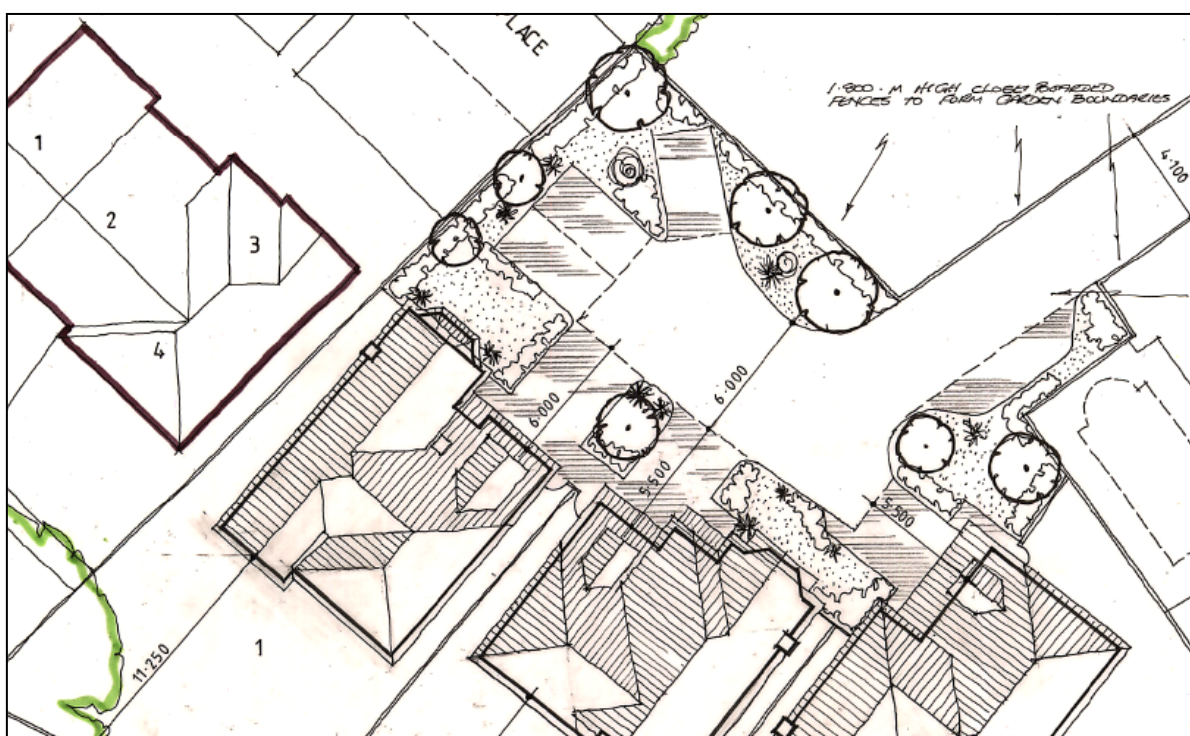
Neighbour Amenity

11. With no changes to the approved dwellings and only modest changes to the parking layout, there are no perceived neighbour amenity issues.

Highway Access and Parking Provision

Car parking

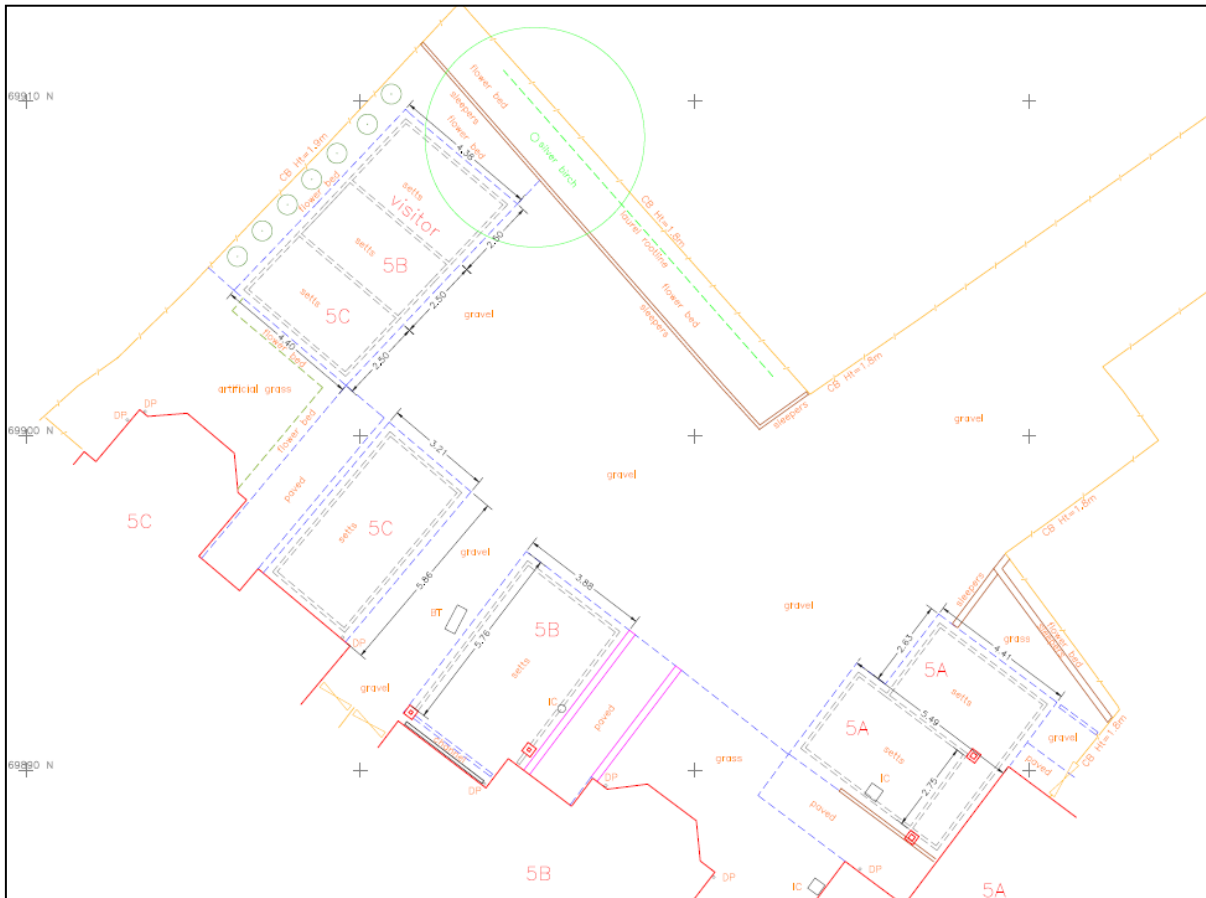
12. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off-street car parking standards.
13. The approved parking arrangements included a total of 10 spaces, in the form of a single attached garage (measuring 6m x 3m and counted as 0.5 space) and an allocated car space in front. A further four unallocated parking spaces were provided at the north western end of the site and at the head of the main access road. This accorded with the minimum standard, which required a total of seven spaces (comprising two allocated spaces per dwelling (although the garage space counted as 0.5 space) and one unallocated/visitor space. Condition 16 of the original and varied permissions required compliance with the approved plans and Condition 17 required the retention of the garages for the parking of vehicles only.



Approved scheme

14. The Council's Highways Officer reviewed the revisions and raises concern with the length of spaces, labelling of spaces and provision of unallocated and visitor parking.
15. The subject variation, as amended, seeks to vary the layout and allocation of spaces. It retains garage spaces for each dwelling but with two allocated uncovered spaces each. There is no change to the number of spaces (ten). The remaining space is allocated as a visitor space. There is a change to the parking requirement, but it

remains compliant. Whilst access is altered marginally, turning spaces remain sufficient.



Proposed scheme (as amended)

16. Whilst the three spaces at the northern end and two spaces at the southern end are substandard in length, this is only as defined by the paving on the ground. There remains at least 5m in length within the parking area inclusive of any unpaved area.
17. Based on the above, the parking arrangement meets the required standards and is acceptable.

Cycle parking

18. Cycle storage arrangements were indicated on the originally approved plans and included bike sheds in the rear gardens of the two westernmost dwellings and in the front garden of the eastern dwelling. Condition 18 required compliance with the approved plans.
19. The variation to the plans in application 152286 omitted these details and Condition 18 was varied to seek further details prior to commencement of the development. These details were discharged in plans submitted as part of application 172861, with the two storage sheds in the rear garden of the westernmost dwellings and the front garden of the eastern dwelling.
20. The subject application seeks the removal of Condition 18, thus removing the need for any external storage. It is instead intended to provide internal storage within the attached garages. The applicant suggests that there is sufficient space (1m x 3m)

and being enclosed, it is convenient and secure. The Council's Highways Officer opposes this arrangement as the internal dimensions of the garage do not allow sufficient space for cycle storage without compromising vehicle parking. As clarification, a minimum of 7m is required – 5m for a vehicle, 1m for clearance and 1m for bike storage. The garages have a length of 6m (Dwellings 5B and 5C) and 6.3m (Dwelling 5A), a deficiency of 0.7m-1m. Whilst the length may feasibly accommodate bike storage at the head of the space, the width may prevent movement of bikes through the garage. Being family homes, it is also restrictive in terms of accommodating more than one bike.

21. Using the garage for cycle storage where there is not sufficient space makes it less convenient. This could lead to less use of bikes (including children's bikes), contrary to Council policies supporting alternative modes of transport. Alternatively, it could also lead to garages not being used for car parking, putting added pressure on uncovered parking in the common areas.
22. For this reason, provision of sheds is still viewed as a necessary part of the scheme, and this forms Condition 18 though it is flexibly written to allow discretion where the occupants (who have also objected) have some input.

Amenity Space

23. Proposed changes are confined to common space and do not affect private amenity areas.

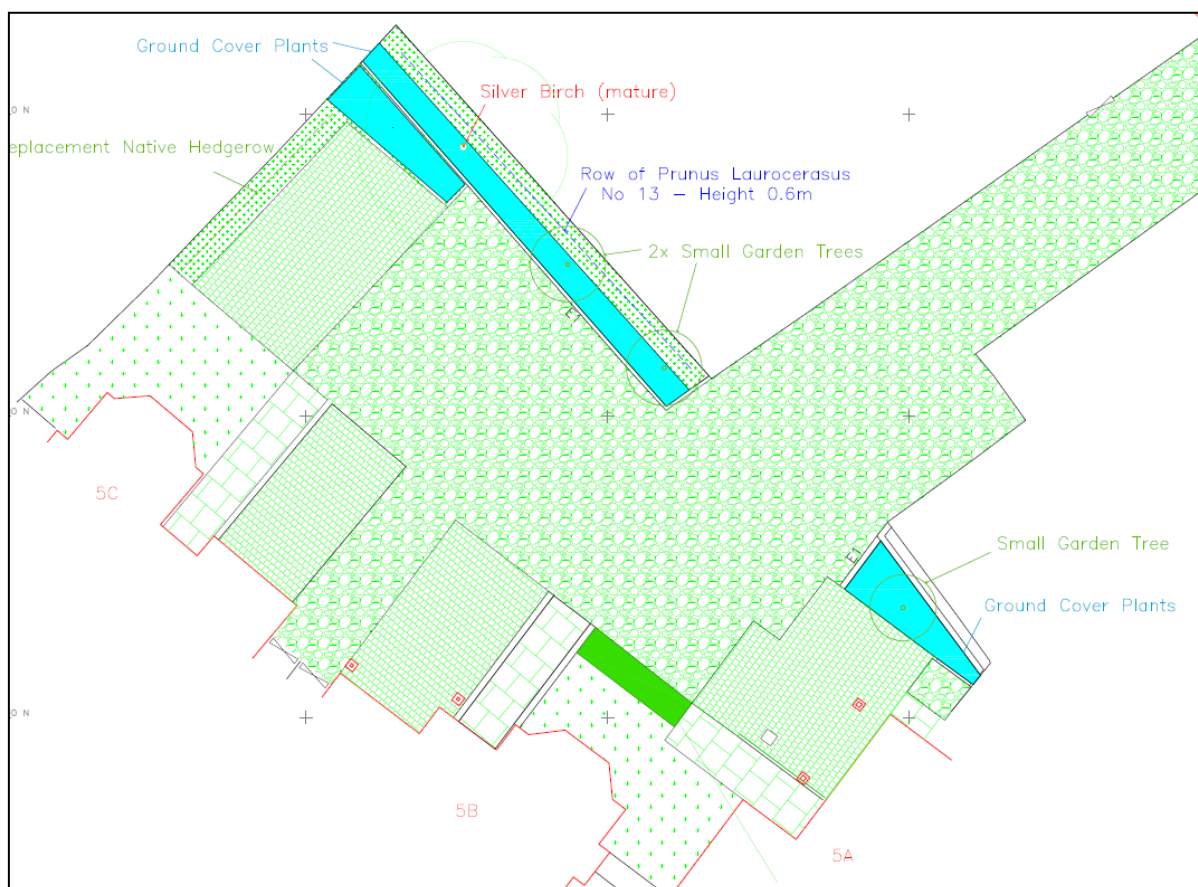
Landscaping and Trees

24. R14 of the Borough Design Guide SPD requires well-designed hard and soft landscaping that complements housing.
25. The original approval was subject to Condition 11 requiring a landscape scheme which was subsequently discharged in application 172861.



Approved scheme

26. In light of changes to the parking layout, a revised landscaping scheme has been submitted which would be incorporated into the discharged/approved details in Condition 11. The approved landscaping scheme included 165m² of soft landscaping and a planting schedule of 2x Field Maple, 1x Crabapple and 1x Majestica, Olearia hedge, 2x climbers and an assortment of 270 shrubs.
27. Site observations include 100m² of soft landscaping (a net loss of 40%) and 7x Conifers, a row of 13x Cherry Laurel and 8x Azalea, none of which are classified as semi mature tree plantings. As planted, two of the seven conifers are dead and the Azaleas if they were planted are no longer in front of the Laurel although two very denuded plants seem to be still in the ground. Azaleas will not grow well due to wrong soil type and suggest alternative plants are planted.
28. The extent and type of planting as it currently exists is not to the satisfaction of the Council's Trees Officer and it fails Policy TB06 in terms of allowing for amenity for residents. Consequently, revised plans were submitted showing a total of 127m² of soft landscaping (23% reduction) and additional planting including additional groundcover plants with three small garden trees and hedgerow in the front garden of 5B. The conifers would be replaced with a native hedging such as Beech or Hornbeam as the Conifers will be difficult to maintain in the limited space available. This is to the satisfaction of the Trees Officer and accords with the landscape focused policies in TB06, CC03 and TB21 of the MDD Local Plan. A timeframe of three months is considered reasonable but also imperative within planting season.



Proposed scheme (as amended)

Waste Storage

29. As originally approved, the scheme included a separate bin store at the front of each dwelling although Condition 19 of the original permission required details of bin storage facilities prior to the occupation of the development. A dedicated paved bin collection area was provided in an indented area at the front of the access road and the three separate bin stores removed as part of the variations to the scheme made in 152286 and subsequently discharged in application 172861.
30. It has been suggested that the bin storage area was provided but was unused and the indented land has since been annexed/reclaimed by the adjoining landowner. It is also suggested that the Council were not collecting bins from the collection area. The proposal is now for residents to walk bins for kerbside collection. This would necessitate removal of Condition 19 in its entirety.
31. The issue relates to a collection area rather than storage of bins. Whilst private bin storage areas had been provided in the originally approved plans, they have not been implemented. However, storage to the side or rear of the dwellings is a better outcome for the site and as this is commonplace, no objection is raised.
32. Dealing with collection arrangements, kerbside collection of bins is not uncommon and there is sufficient space at the street for this to occur. The Council's Guidance for Developers has evolved since the original approval. It is now recommended that *"developers are advised not to allocate purpose-built collection points for new developments. Experience shows such collection points pose problems in the future once construction completes and properties are occupied."*
33. The additional movement of bins would prove more convenient for refuse collectors and whilst there is an additional 10m for residents, this is not unreasonable across the 60m length of the access road. On this basis, Condition 19 can be removed.

Flooding and Drainage

34. The original approval and subsequent variation were not subject to drainage or flooding related conditions and the proposed amendments, where there is no change to the building footprint and only minor changes to hard landscaping, would not have a measurable impact upon on site infiltration. As such, no issue is raised.

The Public Sector Equality Duty (Equality Act 2010)

35. 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.
36. There is no indication or evidence that persons with protected characteristics have or will have diverse needs, experiences, issues and priorities and there would be no significant adverse impacts because of the development.

Community Infrastructure Levy

37. There is no change to the approved floorspace and hence no CIL implications for the scheme, The original approval was granted pre CIL and was instead subject to infrastructure obligations under a s106 agreement. This variation is conditional upon a deed of variation to this agreement.

APPENDIX 1 - Conditions

APPROVAL subject to:

- A) A Deed of Variation to the original Section 106**
- B) The following conditions and informatives:**

Conditions 2, 3, 5, 10, 11, 12, 14, 17, 18 and 19 of 152286 are varied as follows:

2. Approved details

This permission is in respect of the plans numbered 2268/05A, 2268/06A and 2268/05A, received by the local planning authority on 8 October 2015 and the unnumbered Location Plan dated July 2022, survey plan numbered 01 and dated June 2022, both received on 24 November 2022 and the unnumbered and undated Landscape Plan received 2 December 2022. The permission is also in respect of Tree Survey in Contemplation of Development (PS940 26/01/2015) and Tree Plan received on 26 January 2015.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. External materials

The development shall not be carried out other than in accordance with the so-approved details in discharge application 172861, dated 23 January 2018.

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

5. Decontamination

No building shall be occupied until the decontamination measures in the Site Investigation Report completed by Soil Consultants, reference 9816/CK/OT, Revision 0 and dated 30 June 2015, as approved in discharge application 172861, dated 23 January 2018, have been carried out.

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 and workforce undertaking the development. Relevant policy: NPPF Section 11 and Core Strategy policies CP1 & CP3.

10. Ground and building levels

The approved scheme shall be fully implemented in accordance with the site plan LS374-P02, as prepared by L&S Design and as approved in discharge application 172861, dated 23 January 2018 prior to the occupation of the building(s).

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.

11. Landscaping

Planting shall be carried out and completed in accordance with the unnumbered and undated Landscape Plan and survey plan numbered 01 and dated June 2022, both received on 24 November 2022 within three months of the date of this planning permission. 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, TB06 and TB21.

12. Protection of trees

No development or other operations shall take place except in complete accordance with the Arboricultural Method Statement and Scheme of Works, as specified in a letter from WYG Environmental Planning Transport Limited (reference A102318) and the Arboricultural Report prepared by Phelps Associates dated 4 November 2014 (reference PS940), as approved in discharge application 172861, dated 23 January 2018.

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.

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 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.

14. Biodiversity enhancement

The biodiversity enhancements are to be in accordance with the Biodiversity Enhancement Report prepared by WYG, dated 23 March 2017, as approved in discharge application 172861, dated 23 January 2018.

Reason: To ensure that the proposal is in accordance with Section 41 NERC Act re. UK Biodiversity Action Plan Priority Species (Species of Principal Importance) and complies with Planning Policies for Wildlife including CP7 of the Wokingham Borough Core Strategy (2010) and the NPPF.

17. 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 or bicycles 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.

18. Cycle parking

Within two months of the date of this planning permission and in consultation with the occupants of Dwellings 5A, 5B and 5C, details of cycle storage sheds shall be submitted to and approved in writing by the local planning authority. The cycle storage as approved shall be implemented in accordance with such details as may be approved within two months of the approval of said details and shall be permanently retained in the approved form for the parking of bicycles.

Reason: 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 4 and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

19. Bin store

(deleted)

All other conditions of planning permission F/2014/2581 and 152286 apply to this planning permission, viz:

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission F/2014/2581 (i.e., 11/03/2015).

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.

3. External materials

See above.

4. Code for Sustainable Homes

The dwelling(s) shall achieve Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it by an accredited assessor certifying that Code Level 4 has been achieved.

Reason: To ensure developments contribute to sustainable development. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policy CC04.

5. Decontamination

See above.

6. Restriction of permitted development rights

Notwithstanding the provisions of Classes A, B, C, D, E, F and G 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 policies: Core Strategy CP1 and CP3.*

7. Obscure glazing

Those first floor windows serving either ensuites or bathrooms in each of the side elevations of Plots 1, 2 and 3 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.

8. 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 level or above in the flank elevations of the dwellings hereby permitted except for any which may be shown on the approved drawing(s).

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

9. Gutter guard

All second floor gutters within house type 3 as shown on site plan (dwg 08B) shall include a gutter guard (Hedge Hog Gutter Brush Leaf Guard or similar product) and maintained as such.

Reason: To mitigate against potential conflict between TPO tree 1231/2008 and future occupiers of unit 3, and so as to safeguard the future of the TPO tree. Relevant policy MDD TB21, Part VIII of the Town and Country Planning Act 1990 as amended and Town and Country Planning (Tree Preservation) (England) Regulations 2012.

10. Ground and building levels

See above.

11. Landscaping

See above.

12. Protection of trees

See above.

13. 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.

14. Biodiversity enhancement

See above.

15. Nesting birds

The cutting back or removal of the trees, hedges and shrubs on the site shall be undertaken outside of the period 1st March to 31st August inclusive in any year unless otherwise approved in writing by the local planning authority.

Reason: To ensure that nesting birds, protected under the Wildlife and Countryside Act 1981 (as amended), are not adversely impacted upon because of the development.

16. Parking and turning space

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.

17. Garage to be retained as such

See above.

18. Cycle parking

See above.

19. Bin store

See above.

20. 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 drawing number HS001-3/31/P3. 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.

21. Access

No other development of the site as hereby approved shall take place until the access for No. 7 Mayfields has been constructed in accordance with the approved plans.

Reason: To ensure adequate access into the site for vehicles, plant and deliveries associated with the development in the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

22. Access

No building shall be occupied until the access serving the proposed dwellings 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.

23. Gates

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 gates or barriers shall be erected unless set back a distance of at least 6 metres from the highway boundary and so as to open away from the highway.

Reason: To ensure that vehicles do not obstruct the highway whilst waiting for gates or barriers to be opened or closed, in the interests of road safety. Relevant policy: Core Strategy policies CP3 & CP6.

24. Turning space

The dwellings shall not be occupied until the turning space has been provided in full accordance with the approved plans. The turning space shall thereafter be retained in accordance with the approved details and shall be used for no other purpose.

Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety. Relevant policy: Core Strategy policies CP3 & CP6.

25. 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.

Informatives

1. Legal agreement

This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act dated 9 March 2015 and the subsequent deed of variation dated 27 April 2016 to an Agreement under section 106 of the Town and Country Planning Act and the subsequent deed of variation dated [TBC] to an Agreement under section 106 of the Town and Country Planning Act, the obligations in which relate to the development.

2. Variations to the original permission

As part of 152286, it was advised that Condition 4 was no longer relevant due to changes in government policy and cannot be complied with. Conditions 1, 7 and 18 were amended.

As part of this application, Conditions 2, 11, 17 and 18 were amended (though it was sought that Condition 18 be deleted). Condition 19 was deleted. Further, Conditions 3, 5, 10, 12 and 14 were amended to reflect their since discharged status.

APPENDIX 2 - Parish Council Comments

PLANNING REF : 222590
PROPERTY ADDRESS : Winnersh Community Centre
: New Road, Sindlesham, Wokingham
: RG41 5DX
SUBMITTED BY : Winnersh Parish Council
DATE SUBMITTED : 16/11/2022

COMMENTS:

Winnersh Parish Council's Planning and Transport committee object due to the unreasonable variations against the agreed planning application. The committee would strongly endorse the appropriate enforcement if put in place.