

# Agenda Item 35.

Application Number	Expiry Date	Parish	Ward
222304	31 October 2023	Shinfield	Shinfield South;

<b>Applicant</b>	Mr R Mellett
<b>Site Address</b>	"Land Adjacent to Lane End House", Shinfield Road, Shinfield RG2 9BB
<b>Proposal</b>	Full application for the proposed erection of 6no. dwellings, with associated landscaping and access.
<b>Type</b>	Full
<b>Officer</b>	Andrew Chugg
<b>Reason for determination by committee</b>	Previously considered by Planning Committee on 12 October 2022.

<b>FOR CONSIDERATION BY REPORT PREPARED BY</b>	Planning Committee on Wednesday, 11 October 2023 Assistant Director – Place and Growth
<b>RECOMMENDATION</b>	<p><b>That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:</b></p> <p><b>A. Completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure the provision of:</b></p> <ul style="list-style-type: none"> <li><b>i) Deferred payment mechanism for an Affordable Housing commuted payment and infrastructure financial contributions for South of M4 SDL and the ‘My Journey’ initiative should the profitability of the scheme allow it, and</b></li> <li><b>ii) An Advance Payments Code (APC) bond to ensure creation of a management company to maintain the site road.</b></li> </ul> <p><b>B. The recommended Conditions and Informatives listed at Appendix 1.</b></p>

<b>UPDATE</b>
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Background

1.0 At Planning Committee of 12 October 2022 it was resolved to approve this planning application subject to a s106 legal agreement to secure the following:

- Affordable Housing in the form of a policy compliant financial contribution (£332,632.95) in lieu of two affordable units on site,
- Infrastructure Financial Contributions for South of M4 SDL and ‘My Journey’ initiative (total £5,328.00), and

- Site Road Management in the form of an Advance Payments Code (APC) bond

and subject to the conditions and informatives set out in the original October 2022 agenda (refer to Appendix 2) and amendments to conditions 2, 15 and 16 as set out within the Supplementary Planning Agenda (refer to Appendix 3).

- 2.0 However, following a recent viability appraisal of the scheme, the Local Planning Authority were notified that the financial contributions previously agreed would make the development unviable. As such, the applicant has submitted a Financial Viability Appraisal (FVA) to demonstrate this position. This has been considered in detail in the Financial Viability section of this report below.
- 3.0 The Local Plan threshold for seeking affordable housing is 5 dwellings or more on residential sites of 0.16 hectares or larger. The site exceeds this threshold and therefore a requirement exists to seek the provision of affordable housing. To meet the requirements of Policy CP5 of the Core Strategy, a minimum of 35% of the total number of units (net) should be provided as affordable housing.
- 4.0 In discussions with the Council's Housing Policy Officer, it was previously agreed that the only practical means of delivery for the provision affordable housing would be through a commuted affordable housing financial contribution secured via a s106 legal agreement. Using guidance contained within the Council's Affordable Housing SPD, the Council's Housing Policy Officer advised that the commuted sum sought in-lieu of 2.09 units (35%) would be £332,632.95 and should be index-linked, to contribute towards affordable housing provision elsewhere in the borough. The commuted sum is calculated by subtracting the residual development value including affordable housing with the residual development value excluding affordable housing. The formula is contained per page 16 of the Affordable Housing SPD (refer to Appendix 4).
- 5.0 In terms of Highways related contributions (also mentioned at 1.0 in this report), these would have been broken down as follows:
  - My Journey Contribution £3,120.00
  - M4 Transport Contribution £2,208.00
- 6.0 However, given the current financial viability position, the applicant advises that the scheme can no longer support either the Affordable Housing or Highways related financial contributions while still making a reasonable developer profit as required by Paragraph: 018 Reference ID: 10-018-20190509 of the NPPG.
- 7.0 In light of this, an independent professional assessment of the submitted FVA has been undertaken by the Council's consultant valuers and is summarised in the paragraphs below.

#### Financial Viability

- 8.0 In assessing the submitted FVA, the Council's valuers have taken full consideration of RICS Guidance Note – Assessing viability in planning under the National Planning Policy Framework, National Planning Policy Framework (NPPF) and National Planning Policy Guidance for Viability (NPPG) and RICS Professional Statement Financial viability in planning: conduct and reporting 2019. Account has

been taken specifically of the effect that planning obligations and other requirements have on the viability of the proposed development, whilst maintaining an appropriate Site Value for the landowner and a market risk adjusted return (17.5%) to the developer in delivering the project. This return is consistent with the 15%-20% contained within the NPPG.

- 9.0 In assessing the submitted FVA, the Council's valuer has also considered the following:
- Finance costs with an interest rate at 8%
  - Sales, marketing and legal costs
  - Developer's profit at 17.5%
  - Net land value
  - Benchmark land value
- 10.0 The Council's valuers conclude that on the basis of a 100% private sale scheme, by deducting the costs of the development from the Gross Development Value and then assessing the resulting Residual Land Value against the Benchmark Land Value, the proposed scheme would be in deficit. Hence, the proposed scheme is not currently in a position to provide affordable housing or highways related financial contributions and hence, its deliverability is compromised.
- 11.0 In this context and considering the identified shortfall in the supply of affordable housing within the borough, officers and the Council's Valuer still have a responsibility to explore all available mechanisms in order to allow the scheme to recover policy compliance should viability improve over time.
- 12.0 Hence, it is recommended that a deferred payment mechanism for an affordable housing commuted payment be secured via legal agreement under section s106 should the profitability of the scheme allow it in the future. This would be in the form of a planning obligation to ensure that a 'late stage' viability review, to forecast any excess profits over and-above the developer's 17.5% profit for the whole scheme, would be produced and submitted by the developer and considered by the LPA. The 'late stage' review would be triggered at the point of 70% sale/lettings for this development, i.e. after the 4<sup>th</sup> unit was sold and/or let as part.
- 13.0 If the viability of the scheme had positively changed at that point in time, the Council would then get 60% of all the 'excess' profit as a financial contribution towards affordable housing in the borough. The full detail of the deferred payment mechanism would be drafted as a clause within a legal agreement should a positive decision be reached by planning committee.

Lack of 5 Years Housing Land Supply and Tilted Balance:

- 14.0 When this application was previously resolved to be approved by planning committee on 12 October 2022, it was highlighted that the Council's last published deliverable housing land supply position was 5.10 years although emerging monitoring information was showing that the deliverable land supply would soon be less than five years. Hence, for the purpose of decision making at the time it was accepted that the Council had a deliverable housing land supply of less than 5 years, as outlined in para. 19 of the original officer's report (refer to Appendix 2).

- 15.0 It is now confirmed that the Council is unable to demonstrate a deliverable five-year housing land supply. The Council's most recent published housing land supply position concluded a demonstrable deliverable housing land supply of 3.95 years, excluding any consideration of past over delivery. However, it is a matter of fact that housing completions within Wokingham Borough have significantly exceeded all assessments of housing need. The strong performance on housing delivery is a material factor that should be considered alongside the technical shortfall in deliverable housing land supply.
- 16.0 In terms of how this affects the consideration of this application, paragraph 11 of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development, and continues by explaining that for decision taking this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or  
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*
- 17.0 Therefore, in respect of Local Plan policies which are relevant to establishing the acceptability of the principle of development on the application site, Core Strategy policies CP5, CP9, CP11 and MDD Policy CC02 are considered to be the most important. However, given that WBC does not currently have a five-year housing land supply, these policies are considered to be out of date in the context of the NPPF and the tilted balance of paragraph 11 (d) referenced above is therefore engaged.
- 18.0 In acknowledging the requirements of paragraph 11(d) ii) and the titled balance being engaged, it is necessary to consider whether there are any circumstances which affect the degree to which the tilted balance is engaged.
- 19.0 One such circumstance is conclusions drawn from recent appeal decisions where Inspectors have established that whilst the tilted balance is engaged, this tilt is tempered due to past over delivery.
- 20.0 Having established the tilted balance is 'tempered', Paragraph 11d(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole and the three pillars of sustainable development. These will inform the planning balance exercise carried out at the end of this report.
- 21.0 The previous assessment of this application considered it to be *“a suitably available windfall development site which would bring with it a number of economic, social and environmental benefits that fulfils the overarching objectives of the NPPF. The principle of development is therefore acceptable in this instance”* - para. 19 of the original officer's report (refer to Appendix 2).

### Affordable housing position

- 22.0 The Council's Affordable Housing Supplementary Planning Document (SPD) July 2013 provides guidance on the Council's approach to securing affordable housing in accordance with Policy CP5. It sets out, subject to viability, the minimum percentages of affordable housing sought on site by land type and location.
- 23.0 However, Policy CP5 and the guidance contained within the SPD pre-dates the publication of the National Planning Policy Framework (NPPF), including latest 2023 version by some time. Paragraph 64 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
- 24.0 The Planning Practice Guidance (NPPG) reinforces this approach, stating specifically that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG also confirms that the Community Infrastructure Levy (CIL) is the most appropriate mechanism for capturing developer contributions from small developments.
- 25.0 The background to this national approach is the Government's desire to incentivise house building in recent years, particularly for smaller sites and local builders. Introduced formally in 2014, this requirement was subject to a number of legal challenges and appeals which meant that it only became set into the NPPG in 2016. However, it was still up to the decision maker (the local planning authority) to decide how much weight should be given to the national policy in light of local circumstances. Further updates to the NPPF have reaffirmed the Government's view that contributions should not be collected from developments of less than 10-units. These amendments significantly strengthened the Government's position on affordable housing thresholds, and it is now a material planning consideration the LPA must have due regard to.
- 26.0 In addition to the above inconsistency with the Framework, as discussed earlier in this report, the Council is currently only able to demonstrate that it has 3.95 years' supply of deliverable housing land rather than a minimum five-year supply required. Subsequently, Policy CP5 and accompanying guidance not only has a degree of inconsistency with the framework and predates it; but is recognised as being out-of-date in accordance with Paragraph 11 of the NPPF, as it sits alongside those other identified policies which are considered most important for determining applications for new housing. The above position has been reinforced via a number of recent appeal decisions on smaller sites whereby it was concluded that although applicable, policy CP5 carries limited weight, and affordable housing was not sought.
- 27.0 It is recognised that in Wokingham Borough the ratio between house prices and earnings is higher than then national average. An assessment undertaken as part of the evidence base to support the emerging local plan update in 2020 identified a need of 407 affordable dwellings per annum over the period 2018-36.
- 28.0 This information has been discussed at several appeals, but because the Local Plan Update remains at a early stage, appeal Inspectors continue to refer to adopted planning policies set out in the development plan. Considering the changes in national planning policy and recent appeal decisions, the Council remains

vulnerable to challenges when refusing development of less than 10 dwellings for a failure to provide affordable housing.

- 29.0 In light of the above, should the scheme have originally offered no off-site affordable housing contribution and not be accompanied by a financial viability appraisal, the following factors would have needed to be carefully considered. The policies most relevant for delivery of housing, including CP5, are out-of-date in accordance with Paragraph 11 of the NPPF given the housing land supply position. Recent appeal decisions highlight the risk of challenge at appeal should the LPA request affordable housing from sites of this particular size. Finally, the development would have made a very limited contribution to the affordable housing needs of the borough. Together these factors would have meant the level of harm caused by any non-compliance with CP5 was limited. As such, officer would have unlikely supported a refusal of this application on such grounds alone due to risk of a successful appeal.
- 30.0 Notwithstanding the above, the NPPF, Policy CP5 and the SPD support negotiation over viability in respect of affordable housing provision as has been the case with this application. A Financial Viability Appraisal has been submitted which adequately demonstrates that the proposed development would not be viable. Your officers and the committee must have due regard to this position in decision making.
- 31.0 As described, the applicant has agreed to enter into a s106 legal agreement which includes a deferred payment mechanism would secure a percentage (60%) of developer 'excess' profits towards affordable housing and financial contributions towards 'My Journey' and South of M4 SDL Infrastructure improvements, should the profitability of the scheme improve in the future.
- 32.0 Therefore, the failure to include affordable housing provision following an appraisal of financial viability, as in this case, would not constitute a reason for refusal.

## **CONCLUSION**

- 33.0 With due regard to the engaged tempered tilted balance in accordance with Paragraph 11 of the NPPF, the proposal continues to perform a positive social, economic and environmental role and via the established viability position satisfies the requirements of Core Strategy Policy CP5.
- 34.0 Hence, any previously identified harm is not considered to significantly and demonstrably outweigh those identified benefits, and the application continues to be recommended for approval as outlined at the start of this report.

### **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 the protected groups 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 upon protected groups as a result of the development.*

## APPENDIX 1 - Conditions / informatives:

### Conditions:

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 (08) 20-Rev P4; (08) 21-Rev P3; (08) 22-Rev P3; (08) 23-Rev P1 & (08) 24-Rev P2 received by the local planning authority on 27/07/2022, and (08) 21-Rev P4 & (08) 20 Rev P5 received by the local planning authority on 07/10/2022. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.
3. **External Materials** - Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.  
Reason: To ensure that the external appearance of the building is satisfactory.  
Relevant policy: Core Strategy policies CP1 and CP3.
4. **Ground and building levels** - No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels shall be submitted to and approved in writing by the local planning authority, and the approved scheme shall be fully implemented prior to the occupation of the 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.
5. **Contamination** – No development shall take place until a Phase 2 Site Investigation to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.  
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.
6. **Landscaping** - Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed

finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

7. **Archaeology** - No development shall take place until the applicant or their agents or successors in title have secured the implementation of a scheme of archaeological works (which may comprise more than one phase of works) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: The site lies within an area of archaeological potential. The condition will ensure that any archaeological remains within the site are adequately investigated and recorded in order to advance our understanding of the significance of any buried remains to be lost and in the interest of protecting the archaeological heritage of the Borough. Relevant policy: Paragraph 194 of the NPPF.

8. **Biodiversity Enhancements** - Prior to commencement of development, full details of biodiversity enhancements, to include locations and elevations of six integrated bird and six integrated bat boxes, tiles or bricks on the new buildings shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.

Reason: To incorporate biodiversity in and around developments in accordance (paragraphs 179 and 180 of the NPPF).

9. **Lighting Scheme** - No development above slab level shall commence until a report detailing the external lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare
- An Isolux contour map showing light spillage to 1 lux. The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation (paragraph 185 of the NPPF).

10. **CEMP (Biodiversity)** - No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental



management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity (paragraphs 179 and 180 of the NPPF).

11. **Exceedance Flow** - Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+40% climate change event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied. Reason: To ensure satisfactory drainage of the site and to prevent increased risk of flooding. Relevant policy: NPPF Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Technical Guidance on the NPPF (Flood Risk), Core Strategy policy CP1 and Managing Development Delivery Local Plan policy CC09.
12. **Construction Method Statement** - No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors,
  - ii. loading and unloading of plant and materials,
  - iii. storage of plant and materials used in constructing the development,
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
  - v. wheel washing facilities,
  - vi. measures to control the emission of dust and dirt during construction,
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. no deliveries outside the permitted working hours
  - ix. Best practice for use of machinery on site e.g. no idling of engines when equipment not in use etc.

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

13. **Visibility Splays 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 11357/101 Rev P3 as part of the Transport Statement (gta Civils & Transport, Ref. 11357, dated March 2022). 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.*

14. **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.

15. **Cycle parking** - Prior to the occupation of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for the occupants of the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form 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.

16. **Electric Vehicle Charging** - No part of the development hereby permitted shall be occupied until the Electric Vehicle Charging (EVC) points have been installed in accordance with the approved details as shown in drawing (08) 20 Rev P5. The EVC shall be permanently retained and made available for the purpose of charging a vehicle, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

17. **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.

18. **Bin store** - No building shall be occupied until details of bin storage area/ facilities have been submitted to and approved in writing by the local planning authority. The bin storage area and facilities shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.  
Reason: In the interests of visual and neighbouring amenities and functional development. Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.
19. **Retention of trees and shrubs** - No trees, shrubs or hedges within the site which are shown as being retained on the approved plans – Arboricultural Implications Assessment and Arboricultural Method Statement Ref. 526 – 6.4.22 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.
20. **Hours of work** - No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.  
Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.
21. **Noise Mitigation** - The development hereby approved shall be carried out in accordance with the noise mitigation measures as identified in the Noise Impact Assessment (MRL Acoustics Ref: MRL/100/1730.1v1, May 2021) received by the Local Planning Authority on 27/07/2022. The noise mitigation scheme shall be implemented prior to the occupation of development, in full in accordance with the approved details and for the lifetime of the development unless otherwise agreed in writing by the local planning authority.  
Reason: To ensure satisfactory noise attenuation measures are installed. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.
22. **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 prevent overdevelopment of Countryside location. Relevant policy: Core Strategy policies CP1, CP3 and CP11, and Managing Development Delivery Local Plan policy TB21.*

**Informatives:**

1. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated (insert date here) 2023, the obligations in which relate to this development.
2. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details.
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 Head of Highways at the Council Offices, Shute End, Wokingham [0118 9746000] should be contacted for the approval of the access construction details before any work is carried out within the highway (including verges and footways). This planning permission does NOT authorise the construction of such an access or works.
5. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.
6. Any works/ events carried out by or on behalf of the developer affecting either a public highway or a prospectively maintainable highway (as defined under s.87 New Roads and Street Works Act 1991 (NRSWA)), shall be co-ordinated and licensed as required under NRSWA and the Traffic Management Act 2004 in order to minimise disruption to both pedestrian and vehicular users of the highway. Any such works or events, and particularly those involving the connection of any utility to the site must be coordinated by the developer in liaison with the Borough's Street Works team (0118 974 6302). This must take place at least three months in advance of the intended works to ensure effective co-ordination with other works so as to minimise disruption.
7. The applicant is advised to consider the rubbish and recycling information on the Council's website: <http://www.wokingham.gov.uk/rubbish-andrecycling/collections/information-for-developers/>.
8. The development hereby permitted is liable to pay the Community Infrastructure Levy. This is a matter for the developer. The Liability Notice issued by Wokingham

Borough Council will state the current chargeable amount. 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. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>.

9. 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.

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