

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250158
Site Address:	Oak Dale, Lower Wokingham Road, Crowthorne, Wokingham, RG45 6BX
Expiry Date:	20 February 2025
Proposal: Application for non-material amendment to planning permission 223256 to amend the timing triggers of conditions 4 (drainage), 6 (ecological enhancement), 7 (landscaping), 8 (archaeology), 9 (noise impact) and to amend the wording of 10 (CMP)	

PLANNING HISTORY

Application No.	Description	Decision & Date
223256	Full application for the proposed demolition of the existing dwelling and erection of 60 bedroom care home (use class C2), with associated access, parking and landscaping	Refused 18/07/2023 and allowed at appeal (26/09/24)

APPRAISAL

Is the proposed change non-material?

Yes	☒
No	☐

Assessment

The proposed NMA is to amend the timing triggers for conditions 4 (drainage), 6 (ecological enhancement), 7 (landscaping), 8 (archaeology) and 9 (noise impact) of planning permission 223256. It also sees the deletion of part (ii) of condition 9 and instead requesting these details under newly inserted (ix) of condition 10 (Construction Management Plan – CMP).

The original permission, as referenced in the 'Planning History' section was granted by the Planning Inspectorate at appeal and the conditions attached to the decision are those imposed by the Inspector.

At present, all conditions referred to below are 'pre-commencement' and the triggers are proposed to be amended as follows:

Condition 4 – Pre-commencement but excluding demolition works

Condition 6 – The development permitted shall not progress above foundation level

Condition 7 - The development permitted shall not progress above foundation level

Condition 8 - Pre-commencement but excluding demolition works

Condition 9 - The development permitted shall not progress above foundation level

Condition 10 – No changes to trigger point but to include point (ix) in relation to construction noise

Conditions 4, 6, 7 and 8

Upon consultation with WBC Drainage Officer and Berkshire Archaeology regarding the changes to conditions 4 and 8, no objection was raised as the change in triggers would not adversely affect or change the requirements of the condition. It was not deemed essential that the information was to be submitted strictly prior to commencement.

Whilst no consultation response was received from WBC Trees & Landscaping and WBC Ecology was received in relation to conditions 6 and 7, Officers consider the proposed change to the triggers acceptable in relation to these conditions and once again it is not essential that the information is submitted prior to commencement. The change in trigger will not affect the level of information that needs to be provided or adversely affect its future implementation of these details.

Furthermore, the NPPG states, in relation to pre-commencement conditions:

Care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with.

And

Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission

Paragraph: 007 Reference ID: 21a-007-20180615. Revision date: 15 06 2018

Condition 9 and 10

With regards to condition 9, this currently reads as follows (with the proposed amendments struck through and amendments to the trigger shown in **red** below):

~~*Prior to the commencement of the development,*~~ ***No development shall commence above foundation level until*** *a noise impact assessment together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The assessment should be suitable to inform the design of the development hereby permitted and will need to address noise impact in terms of:*

- i) *Existing noise sources and how they may affect the amenity of the occupiers of the site once construction is complete, this is to take into consideration the character of the site and the nearby roads etc, and the impact on the amenity of nearby noise sensitive receptors as a result of the new development, both internal and external spaces, taking into consideration any mechanical noise arising from the use of the proposed development including, but not limited to, kitchen extractor fans.*

- ~~ii) The impact on nearby noise sensitive receptors during the construction phase, to include vehicle movement and plant and machinery being used, as well as construction noise and any mitigation measures.~~
- iii) Details of good design to protect occupiers of the proposed development from noise from existing noise sources, glazing and ventilation of the proposed properties will need to be designed to meet acceptable internal and external noise levels.

The noise assessment should identify a scheme of recommended works, or such other steps as may be necessary to minimise the effects of noise on nearby receptors and on future occupants of the development.

The approved noise scheme resulting from the assessment shall be implemented according to the approved timetable, and approved measures, other than those addressing the construction phase shall be retained thereafter.

As a result in the change in trigger, it becomes incompatible with part (ii) of the condition which requests for a noise impact assessment and mitigation in relation to the entirety of the construction phase. As a result of the change in trigger, some commencement of work could occur without these details which could adversely affect neighbouring amenity.

As such, the deleted part of condition 9 (part (ii)) is to be inserted within condition 10 which relates to the Construction Method Plan (CMP). This is considered more appropriate as these noise mitigation measures can be included within the CMP which is standard practice.

Condition 10 will now read (inserted element in red below):

Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall deal with the treatment of any environmentally sensitive areas, detailing the works to be carried out showing how the environment will be protected during the works. The CMP shall comprise following elements:

- i) the parking of vehicles of site operatives and visitors,
- ii) approach to deliveries, loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) wheel washing facilities,
- v) measures to control the emission of dust and dirt during construction,
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works,
- vii) Construction working hours;
- viii) A construction communication plan
- ix) *An assessment of, and scheme for the management of, noise during the demolition and construction phases. This shall consider the impact on nearby noise sensitive receptors, to include vehicle movement and plant and machinery being used, as well as construction noise and shall detail any mitigation measures required*

The approved CMP shall be adhered to throughout the construction period of the development hereby permitted.

As such, the same details are to be provided in respect of noise, but amended so these are provided at the most appropriate time during the development.

Conclusion

With the above in mind, the changes to the condition triggers are acceptable as there is not clear justification that all details required by conditions 4, 6, 7, 8 and 9 are required to be submitted prior to commencement of the development (including demolition). The proposed changes to condition 9 and 10 in respect of their content is also deemed acceptable; essentially moving the requirements from condition 9 to 10 to fall under the most appropriate condition. The requirements are not reduced and so adequate noise mitigation measures during the construction phase still have the potential to be secured (subject to the applicant satisfactorily discharging conditions 9 and 10 in due course).

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

Recommendation:	Approve – the change is non-material
Date:	12 February 2025
Earliest date for decision:	6 February 2025

Recommendation agreed by: (Authorised Officer)	
Date:	12/02/25