

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250865
Site Address:	12 - 13 Market Place, Wokingham, RG40 1AL
Expiry Date:	22 August 2025
Site Visit Date:	24 September 2024
Proposal: Application to vary condition 2 of planning consent 242263 for the erection of a new bin store and landscaping works along with new trees. Following the removal of existing trees. Condition 2 refers to the approved details; the variation is to remove the proposed shrubs and alter the fencing.	

PLANNING CONSTRAINTS/STATUS

Listed Building
Water Utility Consultation Zones
Conservation Area
Contaminated Land Consultation Zone
Archaeological Sites
Affordable Housing Thresholds
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
District Town and Local Centres
Nuclear Consultation Zone
Primary Shopping Area
Tree Preservation Orders
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
Listed Building Buffer Zone
JCEB Mineral Safeguarding Areas

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 CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP13 – Town Centres and Shopping CP14 – Growth and Renaissance of Wokingham Town Centre
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC06 – Noise

	TB15 – Major Town, and Small Town/District Centre development TB23 – Biodiversity and Development TB24 – Designated Heritage Assets TB25 – Archaeology
Other	Borough Design Guide Supplementary Planning Document Wokingham Town Centre SPD

PLANNING HISTORY

Application No.	Description	Decision & Date
202461	Prior approval submission for proposed conversion of office (Use Class B1(a)) to 2 no. residential dwellings (Use Class C3).	Prior Approval 30/10/20
203302	Full application for the proposed installation of 2 no. front dormer windows.	Approved 29/03/21
232402	Full application for the erection of a new bin store and landscaping works along with new trees. Following the removal of existing trees.	Refused 28/11/23
240339	Full application for the proposed erection of a bin store and installation of hardstanding to form parking spaces, plus associated landscaping works including removal and planting of trees.	Refused 01/05/24
242263	Full application for the erection of a new bin store and landscaping works along with new trees. Following the removal of existing trees.	Approved 12/11/24

CONSULTATION RESPONSES

Internal

WBC Landscape and Trees: No objection
WBC Built Heritage Officer: No objection

External

None consulted

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Principle of Development: Section 70(2) TCPA 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) sets out that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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 within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible.

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for which can be applied to retrospective development, stating that *"if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly"* (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The principle of development at the site was established with the granting of 242263. The application is altering condition 2 which refers to the approved details.

The removal of condition 4 was originally part of the application but has been removed from the application given the condition can only be discharged once the development has been carried out with the plans and 5 years period has elapsed for 5-year period for planting.

Character of the Area: The difference between the approved plans (23.13MP.P02 rev D) and proposed plans (23.13MP.P02 rev E) includes having a timber slatted fence instead of the chain link fence, removing the mixed beech hedge to amenity grass area due to the ongoing maintenance in a zone that is going to be used mainly for parking. The chain link fence maintains an openness to the site, whilst the slatted fence encloses the site and would alter the character. The slatted fence would allow some visibility through the panels, but significantly less than the chain link. However, given the nature of the back land location the proposed change is considered not to result in significant harm to the street scene and considered acceptable.

Neighbouring Amenity: The proposal would not have a negative impact upon neighbouring amenities.

Landscape and Trees: The Approved Landscape Drawing was 23.13MP.PO2 which proposed a timber sleeper wall along the boundary with a Beech hedge planted.

A revised Proposed Landscaping and Planting Plan 23.13MP.PO2 Rev. E 03.04.25 proposes the removal of the Beech hedge to be replaced by a timber slatted fence 1.5m high. An image of the proposed fence has been submitted – and known as a ‘venetian’ style fence panel with spaces between slats providing permeability, which is acceptable.

The fence will be attached to the existing retaining wall posts so there is no need for new holes to be dug.

Built Heritage: From a heritage stance there is no objection to the minor changes made to the landscaping treatment to rear of 12-13 Market Place shown on drawing 23.3MP.P02 Rev. E.

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:	Not required
Recommendation:	Approve
Date:	21 August 2025
Earliest date for decision:	1 May 2025

Recommendation agreed by: (Authorised Officer)	
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Date:	21/08/25
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