

Our Ref: 333101202/A3/IS/LD

14th March 2025

[REDACTED]
Development Management,
Wokingham Borough Council,
PO Box 157,
Shute End,
Wokingham,
RG40 1WR

Dear [REDACTED]

SECTION 96A APPLICATION FOR A NON-MATERIAL AMENDMENT IN RELATION TO PLANNING APPLICATION REFERENCE 230208 – LAND OFF WATMORE LANE, WINNERSH, WOKINGHAM

On behalf of our client, Taylor Wimpey Strategic Land, we are pleased to submit an application for a Non-Material Amendment (NMA) under Section 96A of the Town and Country Planning Act 1990 (TCPA), in relation to planning application reference: 230208 at Land off Watmore Lane, Winnersh, Wokingham.

Our client seeks to alter the wording of planning conditions attached to planning application reference: 230208 to introduce phasing into the outline planning permission. This follows positive engagement with yourself as Case Officer and confirmation that an NMA is a procedurally correct mechanism for such a change. It is considered that the amendments to the conditions are non-material given the effect of the change on the planning permission.

Planning Background

Outline planning permission was granted at appeal on 6th March 2024 (ref: APP/X0360/W/23/3331651) for:

“Outline planning application for the residential development of up to 234 units, with all matters reserved except access from Maidensfield”

Condition 20 is a Grampian Condition which states:

“No more than 111 dwellings shall be commenced until details of a second vehicle and pedestrian access, including a timetable for delivery of the access, is submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.”

Whilst this condition was considered during the appeal process, the decision whether to impose the Grampian condition was left to the Inspector. Having considered the conditions afresh as a whole, it is considered that this planning condition inadvertently introduces an artificial “phase” into the development as only 111 dwellings can be commenced prior to the agreement of a second access with the Local Planning Authority. However, the remainder of the planning conditions are not drafted in such a way to facilitate the phasing of the development. Taylor Wimpey is seeking to add flexibility to the outline planning permission to enable the submission of either a single reserved matters application or two separate reserved matters applications.

Proposed Changes

The purpose of the proposed changes is to enable the outline planning permission to be delivered in phases, allowing for a reserved matters for a first ‘phase’ of up to 111 units to be submitted and considered separately from a second reserved matters application for the remaining units. This approach would be

in accordance with the “phase” created through the Grampian Condition. The proposed amendments would allow for either the submission of two separate reserved matters applications, or a single reserved matters application for the whole Site. Taylor Wimpey is committed to delivering the whole site through a comprehensive scheme, ensuring the associated benefits are provided, and these changes would enable the timely delivery of these units through either one or two reserved matters applications.

The proposed changes do not alter the approved development but are proposed to amend the planning conditions to enable a phased delivery of the scheme. All relevant details would still be required for the full phases of the development. Therefore, it is proposed to amend the conditions as outlined in the submitted schedule of proposed amended conditions. Planning conditions 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 19 are proposed to be amended. No additional conditions are proposed.

Section 96a of the TCPA 1990 allows a local planning authority to amend a planning permission if they are satisfied that the change is not material. In determining such applications, the decision maker has to consider whether the change is material, having regard to the effect of the change on the planning permission as originally granted.

Paragraph 3 of Section 96a of the TCPA states that this power includes the ability to impose new conditions or to remove or alter existing conditions. Therefore, it is considered that a Section 96a can in principle be used to amend existing conditions or add new conditions.

The key issue for the Local Planning Authority to consider in this instance is whether the proposed changes are material, given any potential effect of the change on the outline planning permission. It is considered that the Grampian condition has already in effect introduced a phase into the scheme, and that the amendments proposed would simply formalise this. The proposed change would not alter any other aspects of the planning permission. Therefore, the changes do not materially affect the approved development or matters that were considered at the appeal.

Overall, given the scale and effect of the changes in relation to the wider planning permission, the changes constitute a non-material amendment and do not materially change the existing permission.

Application Documentation

In support of the changes proposed, this application is accompanied by the following material:

- Covering Letter;
- Schedule of proposed amended conditions;
- Location Plan;
- Application Form; and
- Planning Fee.

Summary

In summary, it is considered that the proposed alterations to the planning conditions constitute a Non-Material Amendment for the following reasons:

- i. The changes made do not materially change the existing permission.
- ii. The changes formalise the phasing of the outline planning permission, already introduced in effect by virtue of condition 20.
- iii. The changes proposed do not alter any reports or other documentation previously approved in relation to the outline planning application 230208.

The NMA application fee will be paid directly to the Planning Portal.

We trust the Council has sufficient information to register and determine the enclosed Non-Material Amendment application and look forward to receiving written confirmation of this shortly. In the meantime, if you require any additional information, please do not hesitate to contact me.

Yours sincerely



Lillian Duffield
Senior Planner

on behalf of Stantec UK Ltd

Encls: Schedule of Planning Conditions