

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242938
Site Address:	Land At, Headley Road East, Wokingham, RG5 4SN
Expiry Date:	14 March 2025
Site Visit Date:	7 October 2024 (ref 242532)
Proposal: Application to vary condition 30 of planning consent 213106 for the full planning application for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings. Condition 30 refers to Hours of Work and the variation is a temporary extension to increase the hours of construction/demolition to between 0800hrs and 2300hrs, Monday to Friday, retaining operation hours of 0800hrs to 1300hrs on Saturdays, and at no time on Sundays or on Bank or Public Holidays.	

PLANNING CONSTRAINTS/STATUS

Contaminated Land Consultation Zone
Core Employment Areas
Major Development Location – Woodley
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Public Open Space (adjacent)
Tree Preservation Orders
Landscape Character Assessment Area
Land Terrier
SSSI Impact Risk Zones
Electricity Sub Station
JCEB Preferred Waste Areas
JCEB Mineral Safeguarding Areas
Local Plan Update Submitted Sites

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 CP9 – Scale and Location of Development Proposals CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC04 – Sustainable Design and Construction CC06 – Noise TB11 – Core Employment Areas

Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document
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PLANNING HISTORY		
Application No.	Description	Decision & Date
213106	Full planning application for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings.	Refused 10/06/2022, appeal allowed 22/12/2023 (APP/X0360/W/22/3306963)
240116	Application for submission of details to comply with the following condition of planning appeal decision consent [APP/X0360/W/22/3306963 application 213106] dated [22/12/2023]. Condition 6), Contamination Risk Assessment and part discharge of condition 7), detailed remediation scheme following condition 6 assessment.	Split decision 20/02/2024
240014	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 3 relates to a building recording document, condition 4 to a Construction Method Statement and condition 5 to a Construction Environmental Management Plan (CEMP).	Approved 28/03/2024
240497	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 11 relates to external materials.	Approved 16/04/2024
240277	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 21 relates to details of biodiversity enhancements.	Approved 10/05/2024
240601	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 12 relates to tree protection works.	Approved 21/05/2024
240629	Application for submission of details to comply	Approved

	with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 8 relates to road and footway construction details, condition 9 to details of vehicular accesses and condition 10 to a scheme for highway signage.	24/06/2024
241291	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 6 relates to contamination, condition 7 to remediation and condition 29 to unexpected contamination.	Approved 27/06/2024
241657	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 4 relates to a Construction Method Statement and condition 5 to a Construction Environmental Management Plan (CEMP).	Approved 23/08/2024
242532	Application to vary condition 15 of planning consent 213106 for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings. Condition 15 refers to BREEAM details, and variation is to change the trigger for the condition to within 6 months of occupation.	Approved 27/11/2024
242800	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 24 relates to installation of an acoustic barrier.	Approved 20/12/2024
243164	Application for submission of details to comply with the following conditions of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 16 relates to parking; 18 to EV charging points; 22 to an external lighting scheme and 25 to boundary treatments.	Approved 27/02/2025
250240	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 13 relates to existing vehicular accesses.	Approved 26/02/2025

241926	Application to vary condition 32 of planning consent 213106 (granted at appeal, ref: APP/X0360/W/22/3306963), as varied by Section 73 of Town and Country Planning Act 1990 (as amended) planning permission 242532, for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings. Condition 32 refers to the timing of deliveries at units 9 and 10 and the proposal is to vary the condition to lift the restriction in respect of Unit 9 only.	Under consideration.
250306	Application for submission of details to comply with the following condition of planning consent 213106 (APP/X0360/W/22/3306963) dated 22/12/23. Condition 26 relates to details of interpretive heritage boards.	Under consideration.

CONSULTATION RESPONSES

Internal

WBC Environmental Health: **Object** on the following grounds: the risk of a nuisance to nearby residents from the extended construction hours is too high.

WBC Drainage: No comment

WBC Highways: No objection

WBC Landscape and Trees: No comment

External

None consulted

REPRESENTATIONS

Parish/Town Council	Woodley Town Council object on the following grounds: - The change in working hours, even for a temporary period, would be unsocial and present an unreasonable level of disruption to local residents who have already been impacted by this development. - Lack of prior community engagement is unneighbourly.
Ward Member(s)	No comments received
Neighbours	12 comments (including duplicates) received objecting on the following grounds: - Extended construction hours would have an adverse impact on the health and wellbeing of local residents. - Would be disruptive to local residents and deprive residents of their rest, especially children and

	vulnerable people. - Extended construction hours would create additional traffic & safety issues to both local residents and workers. - The works being carried out on site have disrupted local residents and adversely impacted their health & wellbeing. Residents need rest from the noise pollution during the day. - The current operations have disregarded rules and restrictions. <i>Officer's Note: Each application submitted to the Council must be considered on its own merits. Reports received regarding the development have been investigated by the Planning Enforcement Team or are currently under investigation.</i> - The rights and well-being of local residents must be taken into consideration against the needs of the developer/development. - Application is unclear, particularly in terms of what noise would be emitted from the described works, how noise/vibration would be monitored, who would take responsibility and what would stop the developer carrying out other activities post 6pm. - If approved, measures should be put in place to mitigate the noise impact and ensure that only the described works take place post 6pm.
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APPRAISAL

Site Description:

The application site comprises an existing commercial site within the Headley Road East Core Employment Area, Woodley. The site is currently being redeveloped following the commencement of consent ref 213106 (APP/X0360/W/22/3306963). 3 of the 5no. approved commercial buildings (Units 1-7) will be sited on the main part of the site to the south of Headley Road East, adjoining existing commercial units to the east and residential development (Gemini Road) to the west. The other approved buildings (Units 9 & 10) will be sited to the south of Viscount Way adjoining residential development (Millers Grove & Bakers Place) to the east and public open space to the south and west.

Proposal:

This is an application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA) for the proposed variation of the wording of condition 30 of planning permission 213106 granted at appeal APP/X0360/W/22/3306963, dated 22nd December 2023.

Section 73 of the Town and Country Planning Act 1990 (as amended) gives Local Planning Authorities powers to make a material amendment to planning permissions

by varying or removing conditions associated with that planning permission. There is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The Local Planning Authority can grant a permission under Section 73 application unconditionally or subject to different conditions, or they can refuse the application if it decides that the original conditions should continue. The effect of an application under Section 73 is the issue of a new planning permission sitting alongside the original permission, which remains intact and unamended.

The operative part of planning permission 213106 is contained within the description of development which states: "Full planning application for the proposed erection of 5 no. buildings for commercial development to provide flexible light industrial, general industrial, and storage and distribution uses, with ancillary offices, associated car parking, formation of new accesses, and landscape planting, following demolition of existing buildings." The current application seeks to amend the wording of Condition 15 of planning permission 213106 and it does not seek to amend any of the elements comprised in the operative part of the planning permission 213106.

Condition 30 currently reads as:

Demolition or construction works shall take place only between 0800hrs and 1800hrs, Monday to Friday, 0800hrs to 1300hrs on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

The reason for imposing condition 30 was to ensure that the occupiers of neighbouring properties were protected from noise and disturbance outside the permitted hours during the construction period, in accordance with Core Strategy policies CP1 & CP3 and MDD Local Plan policy CC06.

The proposed variation is to allow the extension of the permitted hours for construction works, for a temporary period of two weeks from 1st April 2025, from 0800hrs to 1800hrs on Mondays-Fridays to 0800hrs to 2300hrs. Permitted construction hours would remain at 0800hrs to 1300hrs on Saturdays, with no permitted hours on Sunday or on Bank or Public Holidays, with permitted hours reverting to 0800hrs to 1800hrs on Mondays-Fridays at the end of the requested period (i.e. from 15 April 2025).

The applicant has advised that the proposed variation is operationally necessarily to allow the construction contract to power float the concrete floors at the site. It is assumed that no other construction activities would take place within the extended hours (1800hrs to 2300hrs).

Principle of Development:

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 principle of commercial development on the site has been established by the grant of planning permission 213106 at appeal APP/X0360/W/22/3306963, dated 22nd December 2023. The proposed variation is acceptable subject to the assessment of impact on neighbouring amenity and other relevant material considerations.

Neighbouring Amenity:

Due to the nature of the condition this proposed variation relates to, there are no concerns relating to additional overbearing, overlooking or loss of light impact.

Noise Impact:

Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact. Paragraph 187 of the NPPF states that LPAs should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

The site is located in close proximity to a number of neighbouring residential properties on Gemini Road and Martinet Road to the west as well as Millers Grove and Bakers Place to the east.

Following discussions with the applicant, a Noise Assessment (REDFAN Solutions, 10/02/2025) was submitted in support of the application. The assessment relates to the activities which would be carried out during the temporary extended hours period (the finishing and curing of poured concrete in the newly constructed warehouses). The assessment is based on 2 noise surveys carried out at 4 noise sensitive receptors, 3 adjacent to the site's western boundary adjoining Gemini Road and 1 adjacent to the eastern boundary facing Bakers Place.

The Council's Environmental Health Officer has reviewed the proposal and has raised significant concerns with the submitted Noise Assessment. The main concern is that it is a predicted assessment based on assumed noise levels for the equipment that will be used for the concrete tempering and smoothing. There would also be significant noise from the concrete lorries and their pumps, as well as any other associated activities, which the assessment does not appear to have considered.

The assessment presents an ideal scenario based on the predicted noise levels. From an Environmental Health perspective, the Officer concludes that noise levels may be significantly higher at times than predicted at the nearby residential receptors. There are many uncertainties and variables that can make a high difference to predicted values which do not appear to have been fully addressed.

In considering this type of application, it is important to assess whether there will be potential noise impact over and above what would be expected at the nearby sensitive receptors (adjacent residential properties) and, if so, how loud and how often this impact would occur.

Ultimately, the LPA must be convinced that there will be no observed effect level (or at the least a low observed effect level) on nearby sensitive receptors from this proposal. The submitted assessment concludes that the noise level at the nearest residential façade would be 44dB(A). This is notably higher than the desirable internal ambient noise levels for dwellings set out under BS 8223:2014.

The proposed extension of construction hours until 23:00, while for a temporary period only, is a significant change from construction activities ceasing at 18:00. For example, children will, in general, be asleep long before 23:00 and will therefore be likely disrupted by extended construction hours. Taking into account the site's very close proximity to a number of residential properties, with a minimum separation distance of circa. 5m, and the uncertain and intermittent nature of the anticipated noise impact, there are serious concerns that a nuisance to local residents is likely to occur.

In coming to a full, balanced view on this matter, the need for the re-development of the site to be completed with as little disruption as possible must be considered. On this basis, a request for more information to describe the technical nature of why the extended hours are needed to complete these construction activities was put to the applicant. No clear technical reason(s) for why the extended hours are necessary was provided.

While it is acknowledged that the extended hours could allow for the redevelopment of the site to be completed within a shorter timeframe, no evidence has been submitted which would justify or outweigh the identified potential adverse noise impact to the detriment of neighbouring amenities. The Environmental Health Officer has therefore objected to the proposed variation on the basis that the risk of a nuisance to nearby residents is too high.

Overall, the proposed variation has failed to demonstrate how it would protect existing noise sensitive receptors from noise impact resulting from the extended construction hours to the likely detriment of the amenity of neighbouring residential occupiers, contrary to the NPPF, Core Strategy policy CP3 and MDD Local Plan policy CC06.

Highway Access and Parking Provision:

Concerns have been received regarding the potential impact of the extended construction hours on traffic and associated highway safety issues. The Council's Highways Officer has reviewed the application and raised no objection on the basis that the proposed extended construction hours are outside the peak hours of the highway network.

Other:

The proposed amendment does not impact any other material planning considerations related to the approved development.

Conclusion:

While the need for the development on site to be completed without delay is

acknowledged, insufficient evidence has been submitted to demonstrate how the extended construction hours, albeit for a temporary period, would not adversely impact the amenity of neighbouring residential occupiers. No sufficient justification for the proposed variation has been submitted which could outweigh the identified likely harm and disturbance. Therefore, the proposal is contrary to the NPPF, Core Strategy policy CP3 and MDD Local Plan policy CC06.

On the basis of the above, and all comments received, the application is recommended for **refusal**.

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:	Refuse
Date:	11 March 2025
Earliest date for decision:	3 January 2025

Recommendation agreed by: (Authorised Officer)	
Date:	12/03/25