

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242064
Site Address:	Gardeners Green, Heathlands Road, Wokingham, RG40 3AW
Expiry Date:	17 September 2024
Proposal: Application for non-material amendment to planning consent 230693 for a change to the wording of condition 13 to make this prior to occupation.	

PLANNING HISTORY

Application No.	Description	Decision & Date
230693	Full application for the erection of 4No single storey commercial units with detached Refuse area. 1no 2 storey detached dwelling, bin store and cycle store along with residential detached garage following the demolition of the existing dwelling, 4 commercial units and storage container.	Approved 12/07/2023

APPRAISAL

Is the proposed change non-material?

Yes	☒
No	☐

Appraisal

This application is seeking a non-material amendment to the wording of condition 13 of planning permission 230693. The permission was for:

Full application for the erection of 4No single storey commercial units with detached Refuse area. 1no 2 storey detached dwelling, bin store and cycle store along with residential detached garage following the demolition of the existing dwelling, 4 commercial units and storage container.

Condition 13 currently reads:

No development of the commercial units shall commence a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating the commercial units will have compliance with a minimum standard of BREEAM 'Excellent' rating has been submitted to and approved in writing by the Local Planning Authority.

Reason: *These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC04 of the MDD.*

It is proposed to change the trigger point of the condition to 'prior to occupation'. This change is sought because the applicant has advised that they have spoken to multiple BREEAM consultants who have confirmed that it is preferable to construct the 'shell' of the building prior to undertaking a BREEAM assessment.

Upon consultation with the Council's Sustainability Officer, it was concluded that the change in trigger point of the condition would be acceptable however it means that the condition will require the submission of a final certificate or post construction stage certificate as opposed to the interim or design stage certificate. The condition will be amended accordingly to reflect the certificate that is required to be submitted to the LPA as part of the condition.

It is acknowledged that providing an interim certificate would have been preferable (as per the original wording of the condition), to ensure that the rating of 'Excellent' can be achieved. However, the condition (if amended) still requires the applicant to adhere to the same overall standard of sustainability (BREEAM 'Excellent') and therefore the change in wording to the condition is non-material as the end result required remains the same.

In light of the above, the recommendation is to grant the non-material amendment to condition 13, and the condition will now read:

Prior to first occupation/ use of the commercial units, a copy of the final (certification stage) or post construction stage BREEAM Certificate (in accordance with the BREEAM Sustainability Standard) demonstrating the commercial units have complied with a minimum standard of BREEAM 'Excellent' rating shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC04 of the MDD.*

All other conditions on permission 230693 will remain unchanged.

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 September 2024
Earliest date for	No earliest date as this application type does not warrant

decision:	formal consultation with any stakeholder.
Recommendation agreed by: (Authorised Officer)	
Date:	12/09/24