

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	261614
Site Address:	Land North of Reading Road, Arborfield
Expiry Date:	7 September 2026
Site Visit Date:	Not required
Proposal: Application to modify planning obligation within the Section 106 Legal Agreement dated 08/04/2026 in relation to planning permission 243099 (APP/X0360/W/25/3371069). The proposed modification relates to the Off-Site Sports Contribution. Within the Relevant Period.	

PLANNING POLICY	
National Policy	National Planning Policy Framework (August 2026) (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB07 – Internal Space Standards TB08 – Open Space, Sport and Recreational Facilities Standards TB12 – Employment Skills Plan TB21 – Landscape Character TB23 – Biodiversity and Development TB24 – Designated Heritage Assets TB25 – Archaeology
Emerging Local Plan	SS1 Sustainable development principles

	SS2 Spatial strategy and settlement hierarchy SS4 Development within and adjacent to minor settlements SS5 Development in the countryside SS10 Meeting our housing needs SS13 Loddon Valley Garden Village SS15 Securing Infrastructure CE1 Design principles for efficient buildings CE3 Environmental standards for residential development CE4 Supporting a circular economy CE5 Embodied carbon C1 Active and sustainable transport and accessibility C2 Mitigation of transport impacts and highway safety and design C3 Active travel C4 Green and blue infrastructure and public rights of way C5 Parking and electric vehicle charging C8 Utilities ER4 Employment and skills plans H1 Housing mix, density and standards H3 Affordable housing FD1 Development and flood risk (from all sources) FD2 Sustainable drainage FD3 River corridors and watercourses NE1 Biodiversity and geodiversity NE2 Biodiversity net gain NE3 Thames Basin Heaths Special Protection Area NE4 Trees, woodland, hedges and hedgerows NE5 Landscape and design DH1 Place making and quality design DH2 Safeguarding amenity DH5 The historic environment DH6 Archaeology HC1 Promoting healthy communities HC2 Community infrastructure HC4 Open space, sports, recreation and play facilities HC5 Environmental Protection
--	---

	HC7 Light Pollution HC8 Noise Pollution HC9 Contaminated land and water HC10 Odour, Fumes and Dust
Other	Borough Design Guide Supplementary Planning Document Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document Arborfield Garrison SDL SPD Arborfield and Newland Village Design Statement Arborfield and Barkham Neighbourhood Plan South East Plan retained policy NRM6 – Thames Basin Heaths Special Protection Area

PLANNING HISTORY

Application No.	Description	Decision & Date
TP/2001/3728	Proposed temporary permission for use of land as a construction yard.	Refused: 15 June 2001
F/2002/7111	Proposed formation of angling pond with bunds.	Approved: 09 April 2003
VAR/2005/4389	Proposed variation to condition 12 of consent F/2002/7111 to allow a reduction to the visibility splays.	Approved: 24 May 2005
F/2006/6880	Full planning approval for proposed erection of posts and gate as entrance to field and associated dropped kerb	Approved: 24 March 2006
F/2006/7933	Proposed infilling of angling pond and re-grading of the land.	Approved: 19 October 2006
C/2012/0280	Application for submission of details to comply with conditions 3 and 5 of planning consent F/2006/7933. 3. Restoration Scheme. 5. Planning and maintenance scheme.	Approved: 15 May 2012
243099 (APP/X0360/W/ 25/3371069)	Outline application for the proposed erection of up to 111 no. dwellings with associated works, parking, landscaping, publicly accessible open space and access from Reading Road. (All matters reserved except for means of access.)	Refused: 20 May 2025 Appeal allowed: 8 June 2026

CONSULTATION RESPONSES

Internal
No consultation required.
External
No consultation required.

REPRESENTATIONS	
Arborfield & Newland Parish Council	No comments received
Ward Member(s)	No comments received
Neighbours	One comment received: - Reduction in contributions not acceptable <i><u>Officer comment:</u> the application does not seek to remove obligations to pay financial contributions, it only seeks to modify the method of calculating the contribution, to align with the Council's formula set out during the appeal.</i>

APPRAISAL
Proposed modification This request seeks to modify planning obligation entered into via a Unilateral Undertaking dated 8th April 2026 in respect of application reference 243099 for an outline planning permission for up to 111 dwellings. The outline application was refused on 20th May 2025 and subsequently allowed at appeal on 8th June 2026. The Unilateral Undertaking submitted at appeal provided for two alternative mechanisms for calculating the Off-Site Sports Contribution (Formula A and Formula B), with the intention that the Inspector would determine which approach complied with Regulation 122 of the Community Infrastructure Levy Regulations 2010. In determining the appeal, the Inspector concluded that Formula A should apply, noting that it would allow for the potential delivery of sports facilities closer to the appeal site and better support sustainable travel patterns. The Inspector did not conclude that Formula B was non-compliant with Regulation 122. The request seeks to modify a planning obligation relating to Off-Site Sports Contribution only; this obligation is contained in Schedule Three of the Unilateral Undertaking. The obligation requires a payment of a sum to the Council for the provision of new sports facilities at Grays Farm, Wokingham or elsewhere in the borough to serve the development. The method of calculating the contribution (Formula A) is to be determined in accordance with the Council's Playing Pitch Strategy by applying the total population of the Council's area and the estimated population generated by the development to the playing pitch calculator. The modification sought would continue to require a payment of a sum to the Council for the provision of new sports facilities at Grays Farm, Wokingham or elsewhere in the

borough to serve the development. However, the method of calculating the contribution is proposed to be changed to Formula B.

Formula B provides a calculation of the contribution at £3,591 per dwelling in respect of the number of dwellings approved at the stage of Reserved Matters application and this is the formula for calculating the amount of contribution that has been preferred by the Council during the appeal.

Legal test under Section 106A of the Town and Country Planning Act 1990 (as amended) (TCPA)

Section 106A of the TCPA provides a mechanism for modifying a planning obligation. Although this Deed of Variation is made by agreement between the parties (Section 106A(1) of the TCPA) rather than through the formal application route under Section 106A(3) of the TCPA, the statutory tests in Section 106A(6) of the TCPA remain the relevant framework when considering whether a modification is appropriate.

Under Section 106A(6) of the TCPA, a planning obligation may:

1. Continue without modification, where it still serves a useful purpose;
2. Be discharged, where it no longer serves any useful purpose; or
3. Be modified, where the obligation continues to serve a useful purpose but would serve that purpose equally well if it had effect subject to the modification.

In order to determine whether the planning obligation relating to Off-Site Sports Facilities should be modified, it is, therefore, necessary to assess whether the obligation would continue to serve a useful purpose but would serve that purpose equally well if it had effect subject to the modification.

The obligation would continue to serve a clear and necessary planning purpose, namely mitigating the impact of the development on sports provision arising from the increased population.

The proposed modification would not alter the nature or purpose of the obligation, but would replace a formula-based calculation (Formula A) with a fixed per-dwelling contribution (Formula B). This approach is supported by evidence contained within the Council's cost modelling for strategic sports provision, which demonstrates that the per-dwelling contribution has been derived from the capital costs associated with delivering new sports facilities at Gray's Farm.

On this basis, the modified obligation would continue to mitigate the impact of the development and is considered capable of doing so at least equally effectively, providing greater certainty in terms of the scale of contribution and its application towards identified infrastructure provision.

Legal test under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations)

The proposed modified obligation has been tested against Regulation 122(2) of the CIL Regulations:

Necessary to make development acceptable in planning terms

The new residential population generated by the 111 dwellings would create additional demand for various types of open space, including Outdoor Sports Facilities. To mitigate the direct impact of the additional demand for outdoor sport facilities generated by the development and to ensure compliance with relevant policies, a contribution towards the cost of land acquisition at Gray's Farm, a borough-wide sports hub, is necessary to make the development acceptable in planning terms.

Directly related to development

The contribution would secure mitigation for the pressure on the existing sports facilities created by the proposal. The sports hub at Gray's Farm is envisaged to be the main outdoor sports facility used by future residents of the scheme as well as the wider Borough. The obligation is therefore directly related to the appeal scheme.

Fairly and reasonably related in scale and kind to the development

The requirement to deliver outdoor sports facilities would be met by off-site contribution calculated on a per-dwelling basis. It would secure the cost of land acquisition as well as the delivery of the associated infrastructure, such as car parking and changing facilities. It is therefore fairly and reasonably related to the development.

It is therefore considered that the modified obligation satisfies the requirements of Regulation 122.

Whilst the Inspector preferred Formula A in the context of the appeal, this reflected a planning judgement as to the most appropriate mechanism at that time rather than a finding that Formula B failed to meet statutory tests. In this instance, the Council considers that the adoption of a fixed contribution provides a more certain and directly costed mechanism for securing mitigation, aligned with the delivery of strategic sports infrastructure. The purpose of the obligation (for the provision of new sports facilities at Grays Farm, Wokingham or elsewhere in the borough to serve the development) would remain unmodified.

National Planning Policy Framework Update

Since the appeal was determined and the request to modify planning obligation was submitted, the National Planning Policy Framework published in August 2026 has replaced the previous Framework and is a material consideration in this decision. In accordance with Annex A, its national decision-making policies ("NDMPs") have been taken into account from the date of publication.

NDMP DM6 states that planning obligations should only be used where it is not possible to address potentially unacceptable impacts through a planning condition. NDMP HC3 requires development generating significant additional populations to provide for associated community facilities and public service infrastructure where necessary to make the development acceptable, including through contributions to

off-site improvements. It also provides for planning obligations to secure timely delivery of infrastructure required to serve the development.

The approved development generates a requirement for mitigation of additional demand for outdoor sports facilities. That requirement cannot appropriately be secured through a planning condition requiring the payment of money and therefore continues to require a planning obligation. The proposed modification changes the mechanism for calculating the contribution but does not remove the obligation to provide financial mitigation for off-site sports facilities serving the development.

Therefore, it is considered that the modification would not conflict with the relevant national decision-making policies.

Conclusion

Overall, the planning obligation would continue to serve a useful planning purpose and would do so equally effectively in its modified form. The proposed variation is therefore considered acceptable under Section 106A of the Town and Country Planning Act 1990.

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 protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

This application relates to the modification of a planning obligation securing a financial contribution towards off-site sports provision and does not alter the nature or form of the approved development, or the delivery of infrastructure itself.

There is no indication or evidence (including from consultation on the application) that persons with protected characteristics would have differing needs, experiences or outcomes arising from the proposed modification. The obligation will continue to secure mitigation in respect of sports provision for the development's future population as a whole.

Accordingly, 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 application and there would be no significant adverse impacts as a result of approving this application.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Approve
Date:	2 September 2026

Earliest date for decision:	5 August 2026
------------------------------------	---------------

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	02.09.26