

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251048
Site Address:	Land located to the east of Watmore Lane/Maidensfield, Winnersh, RG41
Expiry Date:	20 January 2026
Site Visit Date:	28.01.2026
Proposal: Application to modify the Section 106 Legal Agreement dated 27/02/2024 in relation to planning permission 250640 to enable the phasing of the development with respect to the obligations in the agreement.	

PLANNING POLICY	
National Policy	National Planning Policy Framework (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 CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits (Inc Countryside) 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 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 TB25 – Archaeology
Joint Minerals and Waste Plan	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM4 - Protection of Designated Landscape DM5 - Protection of the Countryside

(JMWP)	DM6 - Green Belt DM7 - Conserving the Historic Environment DM8 - Restoration of Minerals and Waste Developments DM9 - Protecting Health, Safety and Amenity DM10 - Flood Risk DM11 - Water Resources DM12 - Sustainable Transport Movements DM13 - High Quality Design of Minerals and Waste Development DM14 - Ancillary development DM15 - Site History
Wokingham Borough Local Plan Update (LPU)	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy SS3 – Development within or adjacent to major and modest settlements SS5 – Development in the countryside SS10 – Meeting our housing needs SS15 – Securing infrastructure SS17 – Transport improvements CE1 – Design principles for efficient buildings CE3 – Environmental standards for residential development CE4 – Supporting a circular economy CE5 – Embodies carbon CE6 – Reducing energy consumption in existing buildings CE7 – Low carbon and renewable energy generation CE8 – Protecting renewable energy generation 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 C6 – Technology and innovation in transport ER4 – Employment and skills plans 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 NE4 – Trees, woodland, hedges and hedgerows NE5 – Landscape and design DH1 – Place making and quality design DH2 – Safeguarding amenity DH6 – Archaeology HC1 – Promoting healthy communities HC2 – Community infrastructure HC3 – Local Green Space HC4 – Open spaces, sports, recreation and play facilities HC5 – Environmental protection HC6 – Air pollution and air quality HC7 – Light pollution HC8 – Noise pollution

	HC9 – Contaminated land and water HC10 – Odor, fumes and dust
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document Joint Minerals and Waste Plan 2023

PLANNING HISTORY

Application No.	Description	Decision & Date
O/2013/0434	Outline application for a proposed residential development of up to 150 dwellings, public open space, landscaping and associated works. Means of access to be considered.	Refused: 16 August 2013
173656	Outline planning application with all matters reserved except for access, for a phased residential development of up to 250 dwellings, public open space, landscaping and associated works.	Withdrawn: 19 September 2018
222258	Screening Opinion application for an Environmental Impact Assessment for the proposed 250 dwellings with associated access and infrastructure.	Not EIA Development: 11 August 2022
230208	Outline application with all matters reserved except access for the proposed erection of up to 234 dwellings.	Appeal Allowed: 06 March 2024
232666	Outline application with access to be considered for the proposed erection of 111 dwellings and infrastructure all other matters (Appearance, Landscaping, Layout and Scale) to be reserved.	Withdrawn: 11 December 2024
250640	Application for non-material amendment to planning approval 230208 (as allowed by appeal APP/X0360/W/23/3331651) to change the wording of conditions 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19 to allow the phasing of the development.	Approved: 07 April 2025

CONSULTATION RESPONSES

Internal

WBC Legal – DoV agreed.
External
None

REPRESENTATIONS	
Parish/Town Council	The Planning and Transport Committee noted that the document presented was unclear, particularly with regard to the phasing, which was not adequately explained. As a result, it was difficult to assess the proposal effectively. The Committee has requested further clarification and additional information before a decision can be made.
Ward Member(s)	No comments received
Neighbours	2 Comments received raising the following: • This whole development is oversized for access & infrastructure purposed. • If it is to go ahead then the infrastructure payments should be paid in full and not as part of a phased process, ideally in advance of building work starting. • Infrastructure projects should be designed for the full development and therefore the money put aside for them should be guaranteed. • I would like to see Taylor Wimpey confirm how many social/affordable houses will be built in each phase. • These houses should also have solar roofing panels as standard to help with advancing the net zero quest. • There is a serious risk that by paying S106 and CIL in dribs and drabs that such moneys will simply be subsumed into WBC funds and not spent to mitigate the impacts of these disastrous impacts of this development on the residents of Winnersh. • Will all S106, CIL, and any other contributions be ringfenced for Winnersh. What guarantees do we have that they will not be spent elsewhere by WBC. Officer Comments: • The S106 obligations remain enforceable in full, • Phasing alters only timing/triggers, not quantum, • Affordable housing requirements unchanged.

APPRAISAL
The Deed of Variation seeks to modify the S106 agreement for the application ref:

230208 for outline planning permission for 234 dwellings. This outline permission was approved by an allowed appeal decision on 6th March 2024. The Inspector Imposed a Grampian condition restricting the number of dwellings that could be built until a secondary access point was secured. This had the effect of phasing the development into two stages.

Application 250640 under S96A of the TCPA was later approved to non-materially amend the conditions to reflect the two phases of development that would naturally come forward as a result of the Grampian condition.

This DoV under S106A therefore seeks to amend the S106 so that its wording reflects the phased nature of the planning permission and the conditions.

Legal Test under Section 106A

Section 106A of the Town and Country Planning Act 1990 provides a mechanism for modifying a planning obligation. Although this Deed of Variation is made by agreement between the parties rather than through the formal application route under s106A(3), the statutory tests in s106A(6) remain the relevant framework when considering whether a modification is appropriate.

Under s106A(6), 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 this case, the planning obligations within the 2024 agreement continue to serve a clear and ongoing planning purpose. The proposed Deed of Variation does not alter the nature, scale, or purpose of any obligation. Instead, it updates the timing of certain triggers so that they align with the phased delivery of development required by the Inspector's Grampian condition and incorporated into the permission through the subsequent s96A approval.

Officers are satisfied that each obligation continues to serve its original purpose and that this purpose will be served equally well with the proposed phasing amendments. The variation does not materially change the effect of the original permission; rather, it ensures the obligations remain operable, enforceable, and consistent with the lawful phasing of the scheme.

The variation does not amend the original planning permission and simply seeks to streamline the implications of the consent which would logically come forward in two separate phases as a result if the Grampian condition imposed by the Inspector. The Deed of Variation is therefore recommended for approval.

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:	22 January 2026
Earliest date for decision:	12 June 2025

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	05.02.26

PLANNING CONSTRAINTS/STATUS

Insert where relevant