

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	243053
Site Address:	Bound Oak Industrial Estate, Wokingham Lane, Arborfield, Wokingham, RG2 9PN
Expiry Date:	7 March 2025
Site Visit Date:	6 December 2024
Proposal: Application to vary conditions 15, 22 and 31 of planning consent 201573 (as amended by 241658) for the erection of 4No buildings for B1c, B2 and B8 industrial and commercial use with the addition of a sui generis Energy Centre comprising a Combined Heat and Power facility and a Lithium Ion Battery store in Unit 1 to include landscaping and access works, following demolition of the existing buildings. Condition 15 refers to mix of uses, condition 22 refers to contamination and condition 31 to an energy statement, and the variation is to amend the wording of these conditions.	

PLANNING CONSTRAINTS/STATUS

Ancient Woodlands
Contaminated Land Consultation Zone
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Local Wildlife Site
Nuclear Consultation Zone
Tree Preservation Orders
Landfill Gas Consultation Zone
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
PRoW Within WB Consultation Zone
Historic Flooding Points Consultation Zone
Ancient Woodland Consultation Zone
Local Wildlife Sites Consultation Zone
P.D. Sites
Local Plan Update Submitted Sites

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP4 – Infrastructure Requirements CP6 – Managing Travel Demand

	CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP15 – Employment Development
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 TB07 – Internal Space Standards TB11 – Core Employment Areas TB12 – Employment Skills Plan TB20 – Service Arrangements and Deliveries for Employment and Retail Use TB21 – Landscape Character TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development
Joint Minerals and Waste Plan (JMWP)	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 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
Other	National Planning Policy Guidance (NPPG) Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document Arborfield and Barkham Neighbourhood Plan

PLANNING HISTORY

Application No.	Description	Decision & Date
44812	Use of agricultural buildings for B1(c) light industrial use, B2 general industrial use and B8 storage use for vintage vehicle restoration	Approved 15/03/1996

	(retrospective)	
SO/2003/9974	Residential development with open space and access (Scoping Option)	Replied 03/09/2003
O/2004/1646 O/2004/1647	Redevelopment for residential development of a density of 30-40 dwellings per hectare on 4.4 hectares, with open space, access, parking, landscaping and retention of substation.	Refused 20/10/2004
190283	Prior approval submission for the proposed demolition of all buildings and structures on site.	Approved 27/02/2019
190017	Full planning application for the proposed erection of industrial and commercial building with associated works and access from Poperinghe Way.	Refused 07/03/2019
201573	Full application for the erection of 4No buildings for B1c,B2 and B8 industrial and commercial use with the addition of a sui generis Energy Centre comprising a Combined Heat and Power facility and a Lithium Ion Battery store in Unit 1 to include landscaping and access works, following demolition of the existing buildings.	Approved 28/05/2021
240225	Application for submission of details to comply with the following conditions of planning consent 201573 dated 28/05/2021. Condition 3 relates to external materials; 12 to cycle parking; 20 to boundary treatment; 25 to tree protection, and 27 to a Construction Environmental Management Plan.	Approved 12/04/2024
240254	Application for submission of details to comply with the following condition of planning consent 201573 dated 28/05/2021. Condition 13. Construction Method Statement. 18. Electric Vehicle Charging. 23. Landscaping. 33. Travel Plan.	Approved 22/03/2024
240274	Application for submission of details to comply with the following conditions of planning consent 201573 dated 28/05/2021. Condition 19 relates to ground and building levels; 22 to contamination (part discharge), and 28 to a drainage strategy.	Split decision (bar parts C and D of C22 contamination which cannot be approved until implementation) 17/04/2024
240283	Application to vary Conditions 2 and 31 of planning consent 201573 for the Full application for the erection of 4No buildings for B1c,B2 and B8 industrial and commercial use with the	Withdrawn 01/05/2024

	addition of a sui generis Energy Centre comprising a Combined Heat and Power facility and a Lithium Ion Battery store in Unit 1 with associated landscaping and access works, following demolition of the existing buildings. Condition 2 (approved plans) is to be varied by amendments to floor space, layout, parking provision and materials. Condition 31 (Energy Statement) is to be varied to account for the changes in floor space.	
240462	Application for submission of details to comply with the following conditions of planning consent 201573 dated 28/05/2021. Condition 14 relates to highway construction details and condition 16 to walking and cycling routes.	Approved 30/05/2024
241658	Application for removal or variation of a condition following grant of planning permission (201573). Condition 2, Approved drawings 3, Materials 12, Cycle parking 13, Construction method statement 14, Highway construction details 16, Walking and Cycling 18, Electric vehicle charging 19, Ground and Building Levels 20, Details of boundary wall 22, Contamination 23, Landscaping 25, Protected Trees 27, Control of environmental effects including biodiversity during construction 28, Drainage Strategy 32, BREEAM Levels and 33 Travel Plans (part retrospective).	Approved 25/10/2024

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No response received
WBC Highways – No objection
WBC Economic Prosperity & Place (Community Infrastructure) – No response received
WBC Sustainability – No objection

External

REPRESENTATIONS

Parish/Town Council	No objection
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Site Description:

The application relates to a variation of the redevelopment of the existing, derelict and vacant employment site to provide additional modern facilities, to amalgamate buildings and to alter design following a cost benefit analysis.

The varied proposals are compatible with the sensitive location, including the adjoining ancient woodland and local wildlife site status of the surrounding land, and the retained conditions have been adapted and strengthened from standard conditions, in order to seek maximum protection for this sensitive site.

The 0.99 hectare site is located on the western side of the A327/Eversley Road. It consists of two main areas of land. They are of modest scale with associated hardstanding. To the south east of the site, the land is undeveloped grassland, aside from access from Poperinghe Way.

It was evidenced on Officer site visit, that the application site needs significant investment in order to secure the site's long-term future and viability. Renovation is not an option as there are no bearing structures / foundations on which to re-clad or improve the existing buildings. It was concluded that the most cost-effective solution is the complete redevelopment of the site, which formed the basis of planning application 201573 which was originally approved on 28th May 2021. The developer notified the LPA that the development has commenced had commenced and this S73 application is part retrospective as the buildings have been demolished.

The site is located within the designated countryside, with an electricity substation and caravan site to the north and approximately 100 dwellings within a housing development to the south. The Arborfield Garrison Strategic Development Location lies 100m to the east.

The site is not designated as a Core Employment Area as per Core Strategy Policy CP15. However, it has a lawful use for Classes B1(c), B2 and B8 use under a permission granted on 15th March 1996 with PA reference 44812.

The southern and western boundaries of the site abut woodland, with the majority of this being designated as a Local Wildlife Site ("LWS") (Long Copse (South) and Robin Hood Copse). The northern part of the LWS is designated as ancient woodland. This woodland and the trees on the northern boundary of the site adjacent to the electricity sub-station are protected by TPO 1683/2019. The adjacent A327, Eversley Road, is designated as a Green Route. Byway ARBO 15 runs parallel to the southern boundary of the site, from which there are glimpsed views into the site. The ground level within the site is higher than the surrounding woodland by about 1.5-3 metres on the southern and western boundaries of the site.

There are limited views of the buildings within the site from Eversley Road due to the long access road into the site where the current buildings are located and due to the surrounding woodland. This said, the entrance gates and hardstanding are ready visible from the surrounding area given the elevated topography.

Proposal:

This is an application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 15, 22 and 31 pursuant to mix of uses, contamination and energy statement.

The proposed amendments can be summarised as follows:

Condition 15 – To account for the previous S73 approval under reference 241658 wherein the unit numbers were decreased from the original 11, to 9, the wording of Condition 15 is proposed to be amended to account for the nine units the applicant intends to deliver on site (as previously consented).

Condition 22 – The trigger of submission of a verification report is proposed to be amended from 10 months from the date of commencement, to 12 months from the date of commencement to account for delayed progress on site.

Condition 31 – Energy statement “*Bound Oak Development - Energy Strategy Overview*” dated June 2020” to be substituted with submitted “*Boundoak Works, Arborfield: Energy and Sustainability Statement REV: 002 dated 20-09-24 (Doc.No. 6792-CBC-HR-RP-S-001-P02)*” This amends the energy strategy to provide high levels of sustainability in line with modern demand and trends (EPC ‘A’).

Procedure:

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible.

This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered to include, *"any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved"*.

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for which can be applied to retrospective development, stating that *"if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly"* (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

Section 73 of the Act cannot be utilised to amend the description development as per the high court judgement of *Finney v Welsh Minsters* [2019] EWCA Civ 1868, which ruled *“the planning authority cannot use section 73 to change the description of development”*. The original description of application 201573 was *“Full application for the erection of 4No buildings for B1c,B2 and B8 industrial and commercial use with the addition of a sui generis Energy Centre comprising a Combined Heat and Power facility and a Lithium Ion Battery store in Unit 1 to include landscaping and access works, following demolition of the existing buildings.”* The proposed changes to the unit number reference, condition trigger and energy strategy do not alter the original description of development nor significantly change the substance of the application. Accordingly, the Section 73 mechanism is procedurally appropriate to consider the proposed amendments having regard for *Finney v Welsh Minsters* [2019] EWCA Civ 1868.

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 site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

The existing lawful use of the site is for industrial use, which was originally approved under planning application 44812 on 15 March 1996 for the use of the separate buildings across the site for Class B1(c), B2 and B8 use. Later application 201573 was approved for demolition of the existing buildings and redevelopment of the industrial site.

The overarching principle of redevelopment and renovating an industrial estate, was established within application 201573. Nothing herein varies this.

Sustainability:

Core Strategy Policy CP1(12) states that planning permission will be granted for development that *“Contribute towards the goal of reaching zero-carbon developments as soon as possible by: a) Including appropriate on-site renewable energy features; and b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.”*

The submitted Energy and Sustainability Statement provides baseline regulated

emissions and energy usage figures as modelled. Total regulated energy loading is estimated as 62,895.61 kWh/year for the development with associated emissions forming a total of 9.65 tCO₂e/year.

The Statement also provides estimates of loads and emissions from unregulated uses as follows: 22,653.47 kWh/year and 3.55 tCO₂e/year. The inclusion of unregulated impacts in the modelling positively contributes to the sustainability of the scheme.

A 73.20 kWp solar array will be provided across the 9 units. In addition to the photovoltaic panels, air source heat pumps will be used in office spaces to provide space heating and cooling through reverse operation.

In addition to passive design measures, the use of low and zero carbon technologies is modelled to deliver a reduction in regulated operational carbon emissions of 13.66%. This is a feasible level of reduction in light of the strategy outlined and positively contributes to the sustainability of the development.

With respect to glazing, the solar transmittance of the glazing specified will be of a lower G-value than standard glazing, having a G-value of 0.36 which is in the best practice range. The majority of the building fabric elements (namely fenestration, points of entry, floors and ceilings) are specified to compliance or near-compliance values with best practice guidance (Part L). The thermal performance and solar transmittance of the glazing is a benefit of the proposal.

The submitted statement's commitment to achieve a reduction of 13.66% in carbon emissions through the above measures is sufficient to comply with Part 2 (b) of Policy CC05 and in fact, exceed it.

The proposals outlined in the Energy and Sustainability Statement represent an adequate approach to sustainable development in line with WBC policy. The revised proposals represent a more sustainable approach to the programme than the previous iteration. As such, no objection is raised by WBC's Sustainability Officer with respect to the variation of condition 31.

Character of the Area:

Impacts to the character of the area were considered and approved within applications 201573 and 241658. Nothing within this variation submission seeks to vary any matters pertaining to these issues.

Whilst condition 15 is proposed to be varied to specify 9 units, as opposed to the originally consented 11, the reduction in units was previously consented and the impacts of 'grouping' units considered under variation referenced 241658. The variation for the purpose of clarity is acceptable on this basis.

Neighbouring Amenity:

Impacts to neighbouring amenities were considered and approved within applications 201573 and 241658. Nothing within this variation submission seeks to vary any

matters pertaining to these issues.

Highway Access and Parking Provision:

Impacts to Highways access and parking provision were considered and approved within applications 201573 and 241658. Nothing within this variation submission seeks to vary any matters pertaining to these issues.

Flooding and Drainage:

Impacts to flooding and drainage were considered and approved within applications 201573 and 241658. Nothing within this variation submission seeks to vary any matters pertaining to these issues.

Landscape and Trees:

Impacts to trees, landscape and landscape character were considered and approved within applications 201573 and 241658. Nothing within this variation submission seeks to vary any matters pertaining to these issues.

Ecology:

Impacts to protected species and ecological mitigation were considered and approved within applications 201573 and 241658. Nothing within this variation submission seeks to vary any matters pertaining to these issues.

Environmental Health:

Condition 22 of consent 241658 requires a verification report to be submitted within 10 months of commencement. The submitted application form notes that development commenced on site on 22/05/2024, meaning the verification report would be due on 22/03/2025.

The applicant seeks to revise the verification report submission period to 12 months (22/05/2025) following commencement due to a delayed release of funds related to the construction elements halting progress to date. As when the variation to condition 22 was previously consented, the 10-month period was specified to align with expected progress on site (namely progression greater than preliminary demolition and ground works), the proposed amendment to increase this period by 2 months is acceptable.

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.

Conclusion:

There are no changes in material circumstances that would warrant a different conclusion to the original approval. The proposed minor material amendments to conditions 15, 22 and 31 are acceptable which are to be read in conjunction with the varied S106 legal agreement dated 11/03/2025 and appended conditions.

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:	Yes
Recommendation:	Approval subject to conditions and S106
Date:	17 March 2025
Earliest date for decision:	2 January 2025

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Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	18.03.2025