

## DELEGATED OFFICER REPORT



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                                                                                                                                                                                 |                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Application Number:</b>                                                                                                                                                                                                                                      | 250640                                                                |
| <b>Site Address:</b>                                                                                                                                                                                                                                            | Land located to the east of Watmore Lane/Maidensfield, Winnersh, RG41 |
| <b>Expiry Date:</b>                                                                                                                                                                                                                                             | 14 April 2025                                                         |
| <b>Proposal:</b> 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. |                                                                       |

### **PLANNING HISTORY**

| Application No. | Description                                                                                                   | Decision & Date                                           |
|-----------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 230208          | Outline application with all matters reserved except access for the proposed erection of up to 234 dwellings. | Refused: 11 August 2023.<br>Appeal Allowed: 06 March 2024 |

### **APPRAISAL**

#### **Is the proposed change non-material?**

|     |                                     |
|-----|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No  | <input type="checkbox"/>            |

#### **Assessment:**

Outline planning permission was granted at appeal on 6th March 2024 (ref: APP/X0360/W/23/3331651) for:

*"Outline planning application for the residential development of up to 234 units, with all matters reserved except access from Maidensfield"*

Condition 20 on the decision letter is a Grampian condition which states:

*"No more than 111 dwellings shall be commenced until details of a second vehicle and pedestrian access, including a timetable for delivery of the access, is submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details."*

The applicant states that whilst this condition was considered during the appeal process, the decision whether to impose the Grampian condition was left to the Inspector. Having considered the conditions afresh as a whole, it is considered that this planning condition effectively introduces "phasing" into the development, as only 111 dwellings can be commenced prior to the agreement of a second access with the Local Planning Authority.

Whilst the Grampian condition effectively phased the development into two sections, this was not reflected in other conditions. This proposal therefore seeks to alter the conditions to refer to phases and allowing them to be discharged more effectively. The proposed amendment does not alter the approved development.

Section 96a of the TCPA 1990 allows a local planning authority to amend a planning permission if they are satisfied that the change is not material. In determining such applications, the decision maker has to consider whether the change is material, having regard to the effect of the change on the planning permission as originally granted.

Paragraph 3 of Section 96a of the TCPA states that this power includes the ability to impose new conditions or to remove or alter existing conditions. Therefore, it is considered that a Section 96a can in principle be used to amend existing conditions or add new conditions.

The proposed changes to the conditions allow the scheme to be phased are considered to be non-material. There are no alterations to the parameters of the development approved. Condition 20 effectively phased the development in all but name and the proposal would create a more effective way to deal with the application and planning conditions.

The proposed amendment does not alter the 'bundle of rights' or planning balance of the approved application. The scenario that one section of the development for 111 houses with the remaining section delayed or absence is a reality of the Grampian condition imposed and the proposed amendments to not affect that scenario. The amendments in-fact would pragmatically formalise the scenario of the development being delivered in two stages.

It should be noted that proposed amendment does not preclude the reserved matters coming forward for the entirety of the outline consent.

The proposed amendment is considered non-material.

Planning conditions 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 19 are proposed to be amended and the amendments are underlined accordingly:

*2. Details of the appearance, landscaping, layout, scale, access (other than from Maidensfield) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of development within a relevant phase and the development shall be carried out as approved. The first reserved matters application to be submitted will include a phasing strategy which shall be approved in writing by the local planning authority prior to the commencement of development.*

*4. Prior to the commencement of development on any part of the site, full details of the construction of the access off Maidensfield and the pedestrian crossing shown in principle on drawing number: ITB6076-GA-005 Revision H including levels, widths, construction materials, depths of construction, surface water drainage, boundary treatment, landscaping and lighting shall be submitted to*

and approved in writing by the local planning authority. Each dwelling shall not be occupied until the vehicle access/road to serve that dwelling has been constructed in accordance with the approved details to road base level and the final wearing course will be provided within 12 months of occupation. The access shall thereafter be maintained in accordance with the approved details and plans.

6. No development shall take place within a phase, until a Construction Method Statement, including a CEMP (Construction Environmental Management Plan), for that phase has been submitted to, and approved in writing by, the local planning authority. The approved Statement (including CEMP) shall be adhered to throughout the construction period for that phase. The Statement (including CEMP) shall provide for but not be limited to the following:

- a) construction of suitable works access;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) hours of construction;
- j) hours of delivery;
- k) mitigation and avoidance measures for ecology and biodiversity; and
- l) the use of any mineral material extracted during construction

7. Prior to the commencement of development within a phase, details for disposing of surface water by means of a sustainable drainage system (SuDS) for that phase shall be submitted to and approved in writing by the local planning authority. No dwelling hereby permitted within a phase shall be occupied until the aforementioned approved details for that phase (in so far as they apply to that dwelling) have been implemented and shall be retained and managed in accordance with the SuDS Maintenance Plan (Condition 9) thereafter

8. Prior to the commencement of development within a phase, a SuDS Maintenance Plan for the long-term maintenance of the SuDS system for that phase shall be submitted to and approved in writing by the local planning authority. The SuDS Maintenance Plan shall include details of routine maintenance activities, remedial actions and monitoring of the separate elements of the system. The development within each phase thereafter shall be carried out in accordance with the SuDS Maintenance Plan for that phase.

9. No development within a phase shall take place until a programme of archaeological work for that phase in accordance with a written scheme of investigation for the Site has been submitted and approved by the planning authority. The development shall only take place in accordance with the approved detailed scheme.

10. No development within a phase shall take place until an Arboricultural Method Statement for that phase has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall include details of existing trees and hedges to be retained in the submitted Arboricultural Impact Assessment, in line with BS5837:2012, and shall include details (where relevant to the phase) of:

- a) any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the sub-phase;
- b) any proposed alterations to ground levels within the Root Protection Area or Crown Spread (whichever is the greater) of any retained tree, including trees on land adjacent to the site;
- c) the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
- d) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
- e) Prior to occupation of the first dwelling within a phase, a Veteran Tree Management Plan for that phase shall be agreed in writing with the local planning authority. This Plan shall include:
  - Specialist Survey Method assessment of the trees;
  - Individual tree management programme geared towards maximising longevity;
  - Provision and maintenance of knee-rail style fencing beyond crown driplines, enclosing access-deterrent planting; and
  - Regular review by a competent person of veteran trees' condition, with follow-up management works being implemented as recommended.

The first three elements of the Plan shall be implemented also prior to first occupancy. Once approved, the development shall only be carried out in accordance with the approved Arboricultural Method Statement and Veteran Tree Management Plan for that phase.

12. Prior to the commencement of the development within each phase a Landscape Environmental Management Plan (LEMP) for that phase, including long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscape areas, other than privately owned domestic gardens, which delivers and demonstrates a habitat and hedgerow biodiversity net gain shall be submitted to and approved in writing by the local planning authority. The development within each phase shall be carried out in accordance with the approved LEMP for that phase

13. Prior to the commencement of development, an Overall Biodiversity Gain Plan detailing details of how the overall development will achieve a biodiversity net gain of 10% for habitats shall be submitted to and approved in writing by the

Local Planning Authority. Prior to the commencement of development within a phase, a Phase Biodiversity Gain Plan identifying how that phase contributes to the Overall Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The details thereby agreed shall be fully implemented in accordance with an approved timetable.

14. Prior to commencement of development within each phase and concurrently with the layout of a reserved matters application for that phase, the applicant shall submit to the local planning authority for written approval, details of how the following internal noise levels will be achieved in living rooms, dining rooms and bedrooms with measures to include adequate cooling and ventilation: Living Rooms and bedrooms (daytime) – 35dB LAeq,16 hours (0700-2300), Dining Rooms 40dB LAeq,16 hour (0700 – 2300), Bedrooms: 30dB L Aeq, 8 hour (2300 – 0700)

15. No development within a phase shall be occupied until written confirmation has been submitted to and approved in writing by the Local Planning Authority that all water network upgrades required to accommodate the additional demand to serve the development within that phase have been completed; or - a development and infrastructure phasing plan for that phase has been submitted to and approved in writing by the local planning authority. Where a development and infrastructure phasing plan is approved, no occupation shall take place other than in accordance with the approved development and infrastructure phasing plan for that phase.

16. Prior to the commencement of development, a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out fully in accordance with the relevant part of the approved Reptile Mitigation Strategy thereafter.

17. Should unexpected contamination be found after development has commenced on a phase, development must be halted on the part of the phase site affected by the unexpected contamination. A proportionate and appropriate remediation strategy shall be submitted to and approved in writing by the local planning authority. The development shall then be remediated and thereafter carried out in accordance with the approved remediation strategy

19. Notwithstanding condition 3, of the total open space to be provided (both through offsite contributions and on site measures) a further 1.3ha open space shall be provided on site so as to provide a minimum of 3.9ha of open space on site (including drainage, swales, infrastructure and play spaces). Any application for the approval of reserved matters for a phase shall be accompanied by an open space plan which sets out the open space provision for that phase and how it contributes to the overall requirement.

### **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                     |                                                                                                      |
|------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Recommendation:</b>             | Approve – the change is non-material.<br>Refuse – the change is material because (set reason in APP) |
| <b>Date:</b>                       | 21 March 2025                                                                                        |
| <b>Earliest date for decision:</b> |                                                                                                      |

|                                                           |                 |
|-----------------------------------------------------------|-----------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> | <i>BJC</i>      |
| <b>Date:</b>                                              | <b>02.04.25</b> |