

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251763
Site Address:	Toutley East Land Adjacent To Toutley Depot West Of Twyford Road Wokingham
Expiry Date:	20 August 2025
Site Visit Date:	N/A
Proposal: Application for non-material amendment to planning consent 211777 to allow variation of condition 40 (provision of an emergency access).	

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP4 – Infrastructure Requirements CP20 – North Wokingham Strategic Development Location
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC07 – Parking
Other	Borough Design Guide Supplementary Planning Document

RELEVANT PLANNING HISTORY

App No.	Description	Decision & Date
193206	Full planning application for the demolition of all existing structures at Toutley Depot to permit the phased construction of a replacement depot including works buildings, storage, a new office accommodation block, ancillary drainage, landscaping, security fencing, surface parking and associated works.	Approved – 13/02/20
210359	Screening Opinion application for an Environmental Impact Assessment for the proposed development of the site comprising around 130 dwellings and a 70 bed dementia care home, plus creation of new access.	Replied – 13/05/21 (Not EIA Development)
211777	Outline application for up to 130 residential units and a 70 bed care home (all matters reserved except access to the site).	Approved – 19/12/22
223778	Application for the approval of reserved matters pursuant to outline planning consent 211777 for the erection of upto 130 residential units and a 70 bed care home (all matters reserved except	Pending consideration

	access to the site). Reserved matter to be considered Access, Appearance, Landscaping, Layout and Scale. Phase 1.	
223777	Application for submission of details to comply with the following condition of planning consent 211777 dated 19/12/2022. Condition 2 Phasing 4 Samples 6 CEMP 7 levels 8 Earth Mounding 9 Landscaping 10 Landscape Plan 11 Flood Risk/drainage 13 Noise Barrier/Bund 15 Lighting 16 Highway Construction 17 Access and Movement 20 Protection of trees 21 Bridge/Pedestrian crossing 22 Communications Plan 23 Noise 24 External Noise 28 Emergency Water supplies 29 Boundary walls and fences 36 Waste water Infrastructure 37 Archaeology 38 Parking Management Strategy 45 Watercourse Flood Risk 46 Culvert Investigation 48 Speed Limit Reduction Measures.	Pending consideration

CONSULTATION RESPONSES

Internal

WBC Highways – Request Royal Berkshire Fire and Rescue are consulted; amendments to access may be required

External

Royal Berkshire Fire & Rescue – No Comment

REPRESENTATIONS

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

APPRAISAL

Site Description: The application site comprises an undeveloped field, located immediately to the south of the A329(M) in the North Wokingham Strategic Development Location (SDL). The site is bounded to the north by the A329(M), to the south by a watercourse, to the west by Toutley Depot and to the east by an area of wooded vegetation along the A321 Twyford Road. The southern boundary of the site lies adjacent to the new housing development at Matthewsgreen.

Planning permission was granted in December 2022 for an “*Outline application for up to 130 residential units and a 70-bed care home (all matters reserved except access to the site)*” application ref. 211777.

Proposal: This application is made under s.96a of the Town and Country Planning Act 1990 (as amended) and seeks an amendment to the wording of Condition 40 of planning consent 211777 relating to the provision of an emergency access serving the site. The provisions of S.96A enables non-material amendments to be undertaken which may include amendments to the wording of conditions, provided that the LPA is satisfied the changes are non-material in nature.

Planning legislation does not provide a statutory definition of what constitutes a ‘non-material’ amendment. The National Planning Guidance states that this is because a material change will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. As an application under s.96A is not an application for planning permission, the existing DMPO provisions relating to statutory consultation and publicity do not apply.

As part of the above referenced outline application, the use of the existing adjacent Toutley Depot site was proposed as an emergency access for the site and Condition 40 was imposed to require its provision prior to the occupation of the 100th dwelling and/or care home bedroom. At the time, it was envisaged that the Council, (as the current land owner), would potentially develop the site itself, in which case, securing an emergency access through the adjacent Depot (also Council owned) could have been achieved. However, the site is now proposed to be disposed of, with the expectation that a developer will come forward and seek to build out the site. As such, and as set out in the submitted accompanying planning statement, there are concerns that the current requirement of the condition would likely result in operational difficulties for any future owner of the site in respect of the current absolute requirement to provide an emergency access through the adjacent depot site.

The Council’s property team (as the applicant) therefore propose that the wording of the condition is amended in order to provide a degree of flexibility in relation to emergency access arrangements for the site.

As such, alternative wording to Condition 40 is proposed, which would still require the submission of an emergency access plan to be approved, but which would not wholly be reliant on the provision of a secondary emergency access through the adjacent Toutley depot site.

The proposed alternative condition wording for Condition 40 would read as follows:-

“Prior to the commencement of development, an Emergency Access Plan (EAP) shall be submitted to and approved in writing by the Local Planning Authority. The EAP shall set out the strategy for emergency access to the development, proportionate to its scale and layout.

Where the EAP proposes use of the Toutley Depot site, full details of the access arrangements shall be submitted, including a Management Plan setting out operational procedures in the event of emergency use.

Where the EAP does not propose use of the Toutley Depot site, it shall include alternative emergency access arrangements, which may include pedestrian and cycle

routes, and shall demonstrate compliance with the Council's adopted Highways Design Guide (Living Streets) and relevant planning policies.

Any approved emergency access measures shall be implemented prior to the occupation of the 100th dwelling and/or care home bedroom. Where access via the Toutley Depot is proposed, it shall be managed in accordance with the approved Management Plan for the duration of its use.

Reason: To ensure that appropriate emergency access arrangements are in place for the development, proportionate to its scale and layout, and in accordance with Wokingham Borough Core Strategy Policies CP1, CP6 and CP21."

The proposed amended condition wording would therefore still ensure that the site has an Emergency Access Plan in place, but would not necessarily require this being in the form of a secondary access through the adjacent depot.

In this context, it is noted that with regards to Highway Access requirements, the Wokingham Borough Council Highways Design Guide (Living Streets) confirms that secondary streets may serve up to 500 dwellings without the need for a separate emergency access. A requirement for emergency access is only referenced for cul-de-sacs (tertiary streets) serving more than 100 dwellings. Whilst reserved matters for the detailed layout of the site are yet to be approved, the main access road within the development is indicated as being designed as a secondary street and would therefore not trigger the requirement to provide a separate emergency access and this is not a policy requirement under the adopted Local Development Plan. While the outline application originally indicated an emergency access through the depot, this was a discretionary design feature. It should be noted however that good design principles mean that where possible, a secondary access should be provided to help with permeability and accessibility of a site.

Furthermore, the National Planning Policy Framework (NPPF) (paragraph 110) requires that "safe and suitable access to the site can be achieved for all users," but does not mandate secondary emergency routes where the primary access meets design standards.

It is noted that Royal Berkshire Fire and Rescue Service were consulted on the original outline application and their response did not reference a requirement to provide or condition a separate emergency access into the site. WBC Highways were consulted on this NMA proposal, and they requested that the views of RBFRS be sought over the proposal to amend the wording of condition 40 which would relax the absolute requirement to provide an emergency access through the adjacent depot. RBFRS were subsequently consulted, however their response advised that they did not wish to make any specific comments on the proposal with the caveat that their response was not confirmation that the proposals conform to the requirements and recommendations of current Guides or Codes of Practice for means of escape in case of fire. As mentioned previously, the originally proposed secondary emergency access was not a policy requirement, and therefore the proposed amendment which still requires an Emergency Access Plan to be submitted for approval can ensure the proposals will still accord with local and national planning policy requirements and guidance in relation to Emergency Access for dwellings.

Parking Provision: In this instance, should the primary access be closed temporarily resulting in restrictions to vehicular access to individual dwellings on the site, residents would still have practical alternatives. The council owned car park located to the south of the application site provides sufficient capacity for temporary parking, and all dwellings would be within a short and reasonable walking distance from this location once the new pedestrian and cycle bridge to the south, and which provides a direct link to the Matthewsgreen local centre, is installed (which is also a pre-occupation requirement of the planning permission). This arrangement would ensure continued accessibility for residents without creating undue inconvenience or compromising the overall functionality of the development given any closure would be expected to be over a short period.

Alternative Emergency Access: The provision of the pedestrian/cycle bridge referenced above was secured by condition on the outline permission and is required to be delivered prior to first occupation. In the unlikely event that the main vehicular access is unavailable, this route would offer a practical alternative for residents and emergency services on foot or bicycle. However, it is likely the main access could be designed to be wide enough (for example wider footpath on entry to the site) to accommodate access for emergency vehicles even in the event of an accident causing it to be blocked. Whilst access into the site from Toutley Road was considered in full at the outline application stage, condition 17 of the permission required the submission of details relating to its detailed design. Details were submitted to the Council pursuant to the condition, but have not to date been determined. As such, should it be considered that the detailed design of the main access needed to be amended in light of a secondary emergency access not being provided, this could be dealt with through the detailed design condition requirements.

It is also anticipated that any prospective purchaser for the site will submit a fresh planning application to develop the site. In this context, any considerations around emergency access requirements would need to be assessed and considered as part of any new proposal, which may be reflected in the design of the main vehicular access off Twyford Road, or further details secured in relation to alternative emergency access requirements, such as those mentioned above. Notwithstanding this, for the reasons above, the proposed change to the wording of condition 40 under the current consent, is considered acceptable.

Summary:

The proposed variation to Condition 40 is considered non-material because it does not alter the scale, layout, or nature of the approved development. The revised wording continues to secure appropriate emergency access arrangements through the submission and approval of an Emergency Access Plan (EAP), ensuring safety measures remain in place. The original requirement for an emergency access via Toutley Depot was discretionary and not a policy mandate. The amendment introduces operational flexibility without removing safeguards, maintains compliance with NPPF paragraph 110 and local highway design standards, and would not result in any adverse impact on residents or emergency services. In this context, the change is proportionate and does not affect the fundamental character or policy compliance of the development.

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 reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. 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	
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Conditions agreed:	Not required
Recommendation:	Approve – the proposed condition wording change is considered non-material
Date:	12/11/25
Earliest date for decision:	3 September 2025

Recommendation agreed by: (Authorised Officer)	 Connor Corrigan
Date:	13/11/25