

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	241899
Site Address:	Land South of Old Bath Road Sonning, RG4 6GQ
Expiry Date:	19 September 2025 (EoT agreed)
Proposal: Application for non-material amendment to planning consent 220663 to remove the wording "suitable for older persons accommodation" from the description.	

PLANNING HISTORY

Application No.	Description	Decision & Date
220663	Outline planning application for the proposed erection of 57 dwellings suitable for older persons accommodation following demolition of the existing dwellings (Access, Layout, Scale and appearance to be considered).	Conditionally Approved – 12/05/2023
241900	Application to vary condition 2 of planning consent 220663 for the proposed erection of 57 dwellings suitable for older persons accommodation following demolition of the existing dwellings (Access, Layout, Scale and appearance to be considered). Condition 2 refers to approved plans and details and the variation is to change the site layout and associated details. The proposal also includes a request to vary the S106 to remove the age-related occupancy restriction. <i>This description will change to reflect the change in description of development as proposed under this NMA application. It will read:</i> <i>Application to vary condition 2 of planning consent 220663 for the proposed erection of 57 dwellings following demolition of the existing dwellings (Access, Layout, Scale and appearance to be considered). Condition 2 refers to approved plans and details and the variation is to change the site layout and associated details. The proposal also includes a request to vary the S106 to remove the age-related occupancy restriction.</i>	<i>Under consideration</i>

APPRAISAL

Is the proposed change non-material?

Yes



No



Preamble:

Outline planning consent was granted for the erection of 57 dwellings suitable for older persons accommodation following demolition of the existing dwellings on the site. This non-material amendment application seeks to amend the description of development from:

Outline planning application for the proposed erection of 57 dwellings suitable for older persons accommodation following demolition of the existing dwellings (Access, Layout, Scale and appearance to be considered).

To:

Outline planning application for the proposed erection of 57 dwellings following demolition of the existing dwellings (Access, Layout, Scale and appearance to be considered).

This is to remove reference to the development being suitable for older persons accommodation and allow unrestricted occupation in respect of the age of occupants.

It is widely understood that an application submitted under S73 of the Town and Country Planning Act (1990) cannot allow for changes to the description of an approved development, as dictated by *Finney v Welsh Ministers & Ors [2019] EWCA Civ 186*. However, a description amendment via S96A is an appropriate and accepted route to make changes to the description.

It should be noted that a S73 application is running simultaneously with this NMA application (see planning history) which proposes minor amendments to the approved plans (condition 2), mostly relating to the site layout, to reflect the proposed removal of the occupancy restriction. A Deed of Variation to the S106 Agreement relating to consent ref 220663 to remove the occupancy restriction was completed on 10th September 2025.

Appraisal:

Firstly, it must be acknowledged that the approved scheme would deliver Use Class C3 dwellinghouses “**suitable** for older persons accommodation” and did not intend to provide accommodation to elderly people in need of care which would ordinarily fall under Use Class C2. The proposed amendment to the description of development would therefore not affect the operative part of the planning consent, i.e., the delivery of 57 residential dwellings (Use Class C3).

There is no defined exceptional need for over 60s private accommodation (with limited or no care facilities) within the Borough in the current Local Development Plan or the emerging Local Plan Update. The proposed amendment to the scheme would not affect the proposal’s contribution to the Council’s Five Year Housing Land Supply as required by the National Planning Policy Framework (NPPF). In this respect, the

proposed amendment does not alter the established principle of development on the site.

The proposed amendment would not require significant changes to approved scheme to facilitate unrestricted occupation. The approved quantum of development (57 dwellings) and the housing mix would remain the same, with no changes to the built form elements of the scheme (the apartment blocks). Minor changes to the site's layout, including to accommodate increased parking provision, are being considered under the accompanying S73 application.

Overall, the proposed amendment to the description of development would not materially affect the operative part of the approved development or have a significant impact on the relevant material considerations. The proposed amendment is therefore non-material in nature.

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

Recommendation:	Approve – the change is non-material subject to: - Change in the description of development
Date:	16 September 2025
Earliest date for decision:	n/a

Recommendation agreed by: (Authorised Officer)	
Date:	17 September 2025