

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250438
Site Address:	Lee Spring, Latimer Road, Wokingham, RG41 2WA
Expiry Date:	10 June 2025
Site Visit Date:	12/03/2025
Proposal: Application to vary condition 19 of planning consent 223691 for the proposed erection of 42 residential apartments in three blocks, including onsite parking, shared amenity spaces, enhanced green spaces to support biodiversity and waste storage facilities. Access for neighbouring garages to be provided by 3.7m wide through-route north of the site. Following demolition of the existing buildings. Condition 19 refers to contamination. The variation is to allow demolition to be achieved and amend the trigger of the application from pre-commencement to above slab level.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Contaminated Land Consultation Zone
Heathrow Aerodrome Consultation Zone
Bat Roost Habitat Suitability
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Tree Preservation Orders
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
Local Plan Update Submitted Sites
Great Crested Newt Consultation Zone Minor

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF)
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 CP14 – Growth and Renaissance of Wokingham Town Centre CP17 – Housing Delivery
MDD Local Plan	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping

(MDD)	CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks 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 TB23 – Biodiversity and Development TB25 – Archaeology
Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation 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 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 Wokingham Town Centre SPD

PLANNING HISTORY		
Application No.	Description	Decision & Date
223691	The proposed erection of 42 residential apartments in three blocks, including on-site parking, shared amenity spaces, enhanced green spaces to support biodiversity and waste storage facilities. Access for neighbouring garages to be provided by 3.7m wide through-route north of the site. Following demolition of the existing buildings.	Approved (Committee) -
241788	Application to vary condition 2 of planning consent 223691 for the proposed erection of 42 residential apartments in three blocks, including on-site parking, shared amenity spaces, enhanced green spaces to support biodiversity and waste storage facilities. Access for neighbouring garages to be provided by 3.7m wide through-route north of the site. Following demolition of the existing buildings. Condition 2 refers to the approved details and the variation	Approved -

	is to amend the Accommodation Schedule to reflect the revised provision of affordable housing.	
250265	Application to vary condition 11, 16, 17 and 25 of planning consent 223691 for the proposed erection of 42 residential apartments in three blocks, including onsite parking, shared amenity spaces, enhanced green spaces to support biodiversity and waste storage facilities. Access for neighbouring garages to be provided by 3.7m wide through-route north of the site. Following demolition of the existing buildings. Condition 11 refers to drainage, 16 to walking and cycling, 17 to electrical vehicles charging strategy, 25 to sustainability. The variation is to allow demolition to be achieved and update the sustainability strategy.	Approved – 02/05/2025

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No response received

External

N/A

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	One neighbouring comment received pertaining to access to residential dwellings, which is not a matter considered within this submission.

APPRAISAL

Site Description:

The application site is located c18 metres from the edge of Wokingham Town Centre, in the major development location of Wokingham.

The site borders the strategic rail network at Wokingham station and sits adjacent to the train tracks, opposite the Macarthy and Stone assisted living 'Queen's Gate' development which lays to the east and facing a line of terrace dwellings to the north along Barkham Road. To the south-west of the site sits adjacent to maisonettes along Latimer Road. To the south of the site sits the Latimer Road public open space, allotments and Men's shed.

The site has permission under application 223691 to demolish the existing

commercial buildings, to replace these with 42 residential apartments. This parent permission was varied by 241788 and 250265 which in turn varied the affordable housing provision on site, and condition triggers to permit demolition. Whilst site investigation works have begun, the development has not commenced and this S73 is determined on this basis.

Proposal:

This is an application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the trigger pertaining to condition 19 (contamination) to permit the demolition of the existing building by submitting details prior to commencement of development above slab level.

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.

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 223691 was *"Full application for the proposed erection of 42 residential apartments in three blocks, including on-site parking, shared amenity spaces, enhanced green spaces to support biodiversity and waste storage facilities. Access for neighbouring garages to be provided by 3.7m wide through-route north of the site. Following demolition of the existing buildings."* The proposed changes to the condition trigger, of condition 19 does 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.

Nothing within this application varies the principle of residential development on site which was approved under application 223691. There have been no changes in site circumstances or policy that would warrant a different conclusion being reached from the original approval.

Environmental Health:

This application seeks to amend the condition trigger of condition 19, from prior to commencement, to prior to commencement above slab level. This does not impact the purpose of the condition, nor impacts the applicant's ability to submit it at a later date. WBC Environmental Health did not raise an objection, nor leave any comment with respect to this amendment.

Character and appearance of the Area:

No amendments are proposed that would impact the external appearance of the previously approved building. The impacts to the character of the area were considered by Members of the Planning committee under application 223691. Nothing within this submission seeks to vary this.

Neighbouring Amenity:

No amendments are proposed that would change the impact of the previously approved building on neighbouring amenity. The impacts to neighbouring amenity were considered by Members of the Planning committee under application 223691. Nothing within this submission seeks to vary this.

Highway Access and Parking Provision:

No amendments are proposed that would change the impact of the previously approved building on highways, access or parking provision. The change to the tenure of the units does not impact the level of parking previously deemed acceptable. The impacts to highways were considered by Members of the Planning committee under application 223691. Nothing within this submission seeks to vary this.

Amenity Space:

No amendments are proposed that would change the levels or quantum of amenity space offered. The amenity space proposed was considered by Members of the Planning committee under application 223691. Nothing within this submission seeks to vary this.

Flooding and Drainage:

No amendments are proposed that would change the impact of the previously approved building on flooding and drainage grounds. The impacts and mitigation measures provided were considered by Members of the Planning committee under

application 223691. Nothing within this submission seeks to vary this.

Landscape and Trees:

No amendments are proposed that would change the impact landscaping provision or protection. The landscape impacts and mitigation were considered by Members of the Planning committee under application 223691. Nothing within this submission seeks to vary this.

Ecology:

No amendments are proposed that would change the impact of the previously approved building on highways, access or parking provision. The impacts to biodiversity and protected species were considered by Members of the Planning committee under application 223691.

Conclusion:

With the above in mind, the proposed variation to condition 19 is acceptable and accordingly, the application is recommended for approval.

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.

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:	28 May 2025
Earliest date for decision:	10 April 2025

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	02.06.2025