

## DELEGATED PLANNING APPLICATION REPORT

**Ward:** Battle

**App Ref:** 231042/NMA

**Address:** 266-268 Oxford Road, Reading, RG30 1AD

**Proposals:** Non-Material Amendment to permitted application 221403 to vary the wording of Condition 12 and the removal of condition 13

**Case Officer:** Sian Hickey

**Date received (valid from):** 25 July 2023      **Agreed Decision date (ext):** 6<sup>th</sup> September 2023

### 1. PROPOSAL AND SUPPORTING INFORMATION

The proposal comprises amendment to the wording of Condition 12 (BREEAM) and the removal of condition 13 (Final BREEAM Certificate).

Further to Conditions 12 and 13 being added to the original planning approval, following further investigation and justification from the applicant as to why the development was not suitable to meet the BREEAM requirements originally conditioned within the original planning approval.

It is proposed to remove Condition 13:

13. Prior to first occupation of the development hereby approved, a copy of a Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor has been submitted to and approved in writing by the Local Planning Authority, demonstrating that the development has attained as a minimum the standard set out in the Interim BREEAM Certificate referred to in condition 12.

**REASON:** To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan 2019.

It is also proposed to amend the wording of Condition 12 as follows:

**FROM:**

12. No development shall commence on site until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and approved in writing by the Local Planning Authority.

**REASON:** These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019.

**TO:**

12. No development shall commence on site until a Sustainability Statement, setting out the measures to be incorporated into the scheme to improve on the current Approved Building Regulations Document Part L standards, using BREEAM Sustainability Standard principles, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

REASON: These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019.

## **2. RELEVANT PLANNING HISTORY**

04/01069/FUL (Civica Ref: 040770) - Modification to shop front to form new entrance and internal staircase to first floor flat at 268 Oxford Road. Permitted 11/10/2004.

05/01431/FUL (Civica Ref: 050648) - New shop front. Permitted 03/05/2006.

07/00628/ADV (Civica Ref: 070625) - Internally illuminated fascia panel and internally illuminated projecting sign. Permitted 06/07/2007.

221403 - Change of use from C4 HMO on first floor to Health Services (Use Class E(e)), alterations to the shop front, first floor rear extension, raising of existing rear flat roof and addition of solar panels. - Permitted 15/02/2023

## **3. CONSULTATIONS**

Applications under S96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO.

### **Equality Act 2010:**

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

## **4. RELEVANT PLANNING GUIDANCE AND POLICIES**

Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that, *"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."*

The proposed amendments are assessed for materiality - not on the basis of their planning merits. Planning policies therefore do not apply.

## **APPRAISAL**

It is considered that the proposed amendment of condition 12 and the removal of condition 13 would have no detrimental effect with regards to sustainability in accordance with the relevant policies and sustainable design and construction SPD. Therefore the amendment to the wording of condition 12 is agreed and the removal of condition 13 is agreed.

An informative is recommended which states that this permission relates only to the change of condition 12 and the removal of condition 13. Furthermore, it shall only be read in the context of the substantive permission and is bound by all conditions attached to that permission. A further informative is recommended which states: In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

## **CONCLUSION**

The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

## **RECOMMENDATION**

**APPROVE NON-MATERIAL AMENDMENT**