

DELEGATED PLANNING APPLICATION REPORT

Ward: Tilehurst

App Ref: 230058/NMA

Address: 8 Riley Road, Tilehurst, Reading, RG30 4UX

Proposals: Non-Material Amendment to Permitted application 210309 - Condition 6 - The dwellings hereby permitted on plots 1 and 2 shall not be occupied until the car parking for plots 1 and 2 have been provided and the dwellings hereby permitted on plots 3 and 4 shall not be occupied until the car parking for plots 3 and 4 have been provided. All in accordance with the plans hereby approved. The spaces provided for parking shall be kept available at all times thereafter.

Case Officer: Ryan Allen

Date received (valid from): 17 January 2023 Target Decision date: 7 March 2023

1. Public Consultation

i. Neighbour Consultation

No statutory requirement for any for this type of application.

Internal Consultations

Transport

The applicant seeks to construct plots 3 and 4 for occupation before plots 1 and 2, therefore this will become a 2 phase development.

Plots 1 and 2 to be occupied only when their specific parking is constructed and made available and plots 3 and 4 to be occupied only when their specific parking bays are constructed and made available.

Existing Condition 6 states:

The dwelling(s) hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter. REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

Proposed NMA is acceptable.

New Condition:

Plots 1 and 2 hereby permitted shall not be occupied until all vehicle parking space(s) associated with those plots have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter. REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

*Plots 3 and 4 hereby permitted shall not be occupied until all vehicle parking space(s) associated with those plots have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter.
REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.*

Highway plans will still need to be fully completed prior to occupation including the extension of the footway so that plots 3 and 4 are accessible. This would not change as part of this NMA application.

Although this condition has been broken down because of the NMA, there will be other Highway conditions that will include cycle storage, vehicle parking, accesses, landscaping, CMS etc that will need to be broken down into the 2 development phases.

2. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the following documents:

Approved plans at time of application

Drawing No: 100 rev. C - Site Plan, Context Plan & Location Plan - dated 18/02/21

Plans received with this application

Supporting Letter

Drawing No: 100 rev. D - Site Plan, Context Plan & Location Plan - dated 18/02/21

3. Relevant Planning History

30/03/20 - 200496/FUL - Demolition of existing dwelling and erection of 4 attached dwellings including access, parking, landscaping and associated works - Refused

23/02/21 - 210309/FUL - Demolition of existing dwelling and erection of 2 pairs of semi-detached dwellings including access, parking, landscaping and associated works - Permitted Subject to LA (20/09/21) - Permitted (21/04/22)

26/04/22 - 220615/APC - Application for approval of details reserved by condition 4 (Hard and Soft Landscaping) and 5 (Construction Method Statement) of application 210309 - Conditions Discharged

02/08/22 - 221144/APC - Application for approval of details reserved by condition 15 (SAP) of application 210309 - Conditions Discharged

06/09/22 - 221308/NMA - Non-Material Amendment to Condition 10 (visibility splays) of planning permission 210309 to allow plots 3 and 4 to be constructed and occupied prior to plots 1 and 2 - Agree

4. 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.

5. Relevant Planning Guidance

- i. 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."*

6. Relevant Policies

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

7. Appraisal

The proposed amendments to previously granted planning permission 210309 are considered minor in context and not to have any material impact on the overall design or amenities at the application site. The proposal seeks to alter condition 6 of previously permitted application 210309 to allow plots 3 & 4 to be constructed and occupied, prior to plots 1 & 2. The reason for this as laid out in the supporting letter submitted with the application is due to funding requirements. As outlined in comments received by Transport: *Highway plans will still need to be fully completed prior to occupation including the extension of the footway so that plots 3 and 4 are accessible. This would not change as part of this NMA application. Although this condition has been broken down because of the NMA, there will be other Highway conditions that will include cycle storage, vehicle parking, accesses, landscaping, CMS etc that will need to be broken down into the 2 development phases.*

As such, informative is recommended which states that this permission relates only to the changes highlighted on the plans. 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.

8. Conclusion

Overall, the proposed amendments are not considered to significantly harm the application site nor the neighbouring residential properties.

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

Recommendation

Grant Non-material amendment

Conditions & Reasons:

Alternative Condition 6

New Condition:

Plots 1 and 2 hereby permitted shall not be occupied until all vehicle parking space(s) associated with those plots have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter. REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

Plots 3 and 4 hereby permitted shall not be occupied until all vehicle parking space(s) associated with those plots have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter. REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

Informatives:

1. This notice relates only to the changes to condition (6). It shall only be read in the context of the substantive planning permission granted under reference number (210309) and is bound by all the conditions and obligations attached to that permission. That permission still stands and this notice (and any other notices issued under section 96a for this development) should be read together.
2. 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 (210309).