

DELEGATED APPLICATION REPORT

App Ref: 212005/NMA

Address: 5 Grass Hill, Caversham, Reading, RG4 7TJ

Proposals: Non-Material change to Planning Permission 201233/FUL - Revision to Condition 2 (Approved plans) and Condition 10 (Protective measures) for new Arboricultural Impact Assessment to show changes to tree protection plan and inclusion of ground protection mats.

Case Officer: Nathalie Weekes

Extended Target Decision date: 12/01/2022

1. Site Description and Surrounding Area

The site is located on Grass Hill in Caversham and formerly contained a single dwelling which was demolished prior to submission of this planning application. The surrounding area consists of residential dwellings of a range of sizes and styles set amongst good tree coverage. The site contains a number of trees several of which are also subject to a Tree Preservation Order. The central area of the site is flat in gradient where the land has been levelled and raised following the demolition of the former dwellings, but the levels slope down steeply to the southern boundary.

The site is located within the Thames Valley Major Landscape Area designated by Policy EN13 of the Reading Borough Local Plan whilst the boundaries of the southern boundary of the site and western frontage with Grass Hill are identified as areas of biodiversity interest (lowland mixed deciduous woodland) as designated by Policy EN12.

2. The Proposal

A non-material amendment is proposed to Planning Permission 201233/FUL - Revision to Condition 2 (Approved plans) and Condition 10 (Protective measures) for new Arboricultural Impact Assessment to show changes to tree protection plan and inclusion of ground protection mats.

Revision to Condition 2

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans and documents:

- Drawing no.s 3707/206 - Proposed Roof Plan

Received by the Local Planning Authority on 16th December 2021

- Drawing no. 3707/205 Rev C - Proposed Landscaping Plan

- Drawing no. 3707/204 Rev A - Block and Location Plan

- Drawing no. 3707/203 Rev B - Elevations 1 of 2

- Drawing no. 3707/202 Rev C - First Floor Layout

- Drawing no. 3707/201 Rev C - Ground Floor Layout

- Drawing no. 3707/200 Rev G - Proposed Site Plan

Received by the Local Planning Authority on 1st December 2021

- Turnstone Ecology Preliminary Ecological Appraisal rev 01 ref. R01-PEA Report-Rev 03 dated 13/04/2021

Received by the Local Planning Authority 15th April 2021

- Turnstone Ecology Reptile Mitigation and Enhancement Plan ref. R02-Reptile Mitigation and Enhancement Plan Rev 01 dated 29 April 2021

Received by the Local Planning Authority on 6th May 2021

Mark Welby Arboricultural Consultant Arboricultural Impact Assessment and Tree Protection Strategy ref. MW.20.0613.AIA Rev E dated 13.12.2021, including Tree Protection Plan MW.20.0613.TPP.RevC.
As received 13/12/2021

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Revision to Condition 10

10. Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Mark Welby Arboricultural Consultant Arboricultural Impact Assessment and Tree Protection Strategy ref. MW.20.0613.AIA Rev E dated 13.12.2021, including Tree Protection Plan MW.20.0613.TPP.RevC.

As received 13/12/2021; with tree protection erected prior to removal of the spoil identified on the Spoil Removal Plan. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.
REASON: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

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.

4. Plans Considered

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

Approved plans at time of application 201233

- Drawing no.s 3707/206 - Proposed Roof Plan
Received by the Local Planning Authority on 16th December 2021
- Drawing no. 3707/205 Rev C - Proposed Landscaping Plan
- Drawing no. 3707/204 Rev A - Block and Location Plan
- Drawing no. 3707/203 Rev B - Elevations 1 of 2
- Drawing no. 3707/202 Rev C - First Floor Layout
- Drawing no. 3707/201 Rev C - Ground Floor Layout
- Drawing no. 3707/200 Rev G - Proposed Site Plan

Received by the Local Planning Authority on 1st December 2021

- Turnstone Ecology Preliminary Ecological Appraisal rev 01 ref. R01-PEA Report-Rev 03 dated 13/04/2021

Received by the Local Planning Authority 15th April 2021

- Turnstone Ecology Reptile Mitigation and Enhancement Plan ref. R02-Reptile Mitigation and Enhancement Plan Rev 01 dated 29 April 2021

Received by the Local Planning Authority on 6th May 2021

Revised plans submitted for application 212005

Mark Welby Arboricultural Consultant Arboricultural Impact Assessment and Tree Protection Strategy ref. MW.20.0613.AIA Rev E dated 13.12.2021, including Tree Protection Plan MW.20.0613.TPP.RevC.
As received 13/12/2021

5. Relevant Planning History

211531 Application for approval of details reserved by conditions 6 (CMS), 11 (Landscaping), 15 (Sustainable building) and 18 (Archaeology) of application 201233. Permitted 6 December 2021

6. 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.

7. Relevant Policies

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

8. Appraisal

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 judgement as to whether something is 'material' has to be made on a case-by-case basis, i.e. what is non-material in one case may be material in another.

According to the Councils procedures, applications for minor amendments will only be accepted if:

- The request for an amendment relates to a permission that is still capable of implementation.
- The change does not alter the description of the proposal.
- The 'red line' identifying the application site has not altered
- Any change is not contrary to the requirements of a restrictive condition attached to the planning permission.

When judging whether the change is 'minor', the following criteria will be used:

- There is no material increase in any overall dimension of the building/structure.
- There is no harm caused through the reduction in any dimension of the building/structure.
- The revision to show changes to tree protection plan and inclusion of ground protection mats will not give rise to any planning consequences.
- It would not result in any change in use of the site as previously granted.

The description of the proposal would not be changed, nor would the red line denoting the application site boundary. The works would not be contrary to a planning condition.

In the context of the permitted scheme, the revision to show changes to tree protection plan and inclusion of ground protection mats it is not considered to have any material impact on the overall design idiom or neighbour amenities. The revised plan should be included in Condition 2 (Approved plans) and Condition 10 (Protective measures).

9. Conclusion

The local planning authority is satisfied that the change proposed by this application does not constitute a material change to the approved planning permission. The revision to the approved

Mark Welby Arboricultural Consultant Arboricultural Impact Assessment and Tree Protection Strategy ref. MW.20.0613.AIA Rev E dated 13.12.2021 including Tree Protection Plan MW.20.0613.TPP.RevC as a revision to Condition 2 (Approved plans) and Condition 10 (Protective measures) to 201233/FUL, Erection of two 3-bed detached dwellings with associated garaging, for new Arboricultural Impact Assessment to show changes to tree protection plan and inclusion of ground protection mats is in this instance considered a minor amendment which is not considered to materially increase the overall dimension of the building structure.

Recommendation

Grant Non-material amendment

Conditions:

Revision to Condition 2

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- Drawing no. 3707/205 Rev C - Proposed Landscaping Plan
- Drawing no. 3707/204 Rev A - Block and Location Plan
- Drawing no. 3707/203 Rev B - Elevations 1 of 2
- Drawing no. 3707/202 Rev C - First Floor Layout
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As received 13/12/2021

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Revision to Condition 10

10. Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Mark Welby Arboricultural Consultant Arboricultural Impact Assessment and Tree Protection Strategy ref. MW.20.0613.AIA Rev E dated 13.12.2021, including Tree Protection Plan MW.20.0613.TPP.RevC as received 13/12/2021; with tree protection erected prior to removal of the spoil identified on the Spoil Removal Plan. Any

deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

Informatives:

1. This notice relates only to the changes to Condition 2 (Approved plans) and to Condition 10 (Protective measures) of the substantive planning permission 201233/FUL. It shall be read in the context of the substantive planning permission and is bound by all the conditions and obligations attached to that permission. That permission still stands and is bound by all the conditions and obligations attached to that permission 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.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within the agreed timeframes.