

DELEGATED APPLICATION REPORT

Address: Unit 1, Acre Road, Reading, RG2 0SU

Application No: 220085/NMA

Proposal: Non-material amendment to permission reference: 210503 (replacement of existing entrance gate) to alter the location of the gate 0.5m north in order to avoid tree roots.

Applicant: Ceramex Ltd

Date received: 21/01/2022

Valid from: 25/02/2022

Target Decision date: 25/03/2022

Case officer: David Brett

Site Description and Surrounding Area

The proposal site comprises a large industrial warehouse on Acre Road, which is situated between the A33 and Basingstoke Road. The proposal site is lined with several TPO trees on the northern and eastern boundaries. The surrounding area is considered largely commercial. The warehouse is located on potentially contaminated land, and is located within a Core Employment Area (policy EM2 of the Reading Borough Local Plan).

The Proposal

Application 210503 received full planning permission for the replacement of the existing vehicle and pedestrian access gate.

This non-material amendment application to planning permission 210503 (redevelopment for residential care home), seeks to relocate the proposed entrance gate so that it is 0.5m closer to the highway. It is proposed that the entrance gate be relocated upon discovery of roots within the approved location of the entrance gate. This is following excavation of the approved position of the entrance gate by Aspect Arboriculture. The application seeks to vary the wording of conditions 2 (Approved Plans) and 4 (Arboricultural Method Statement (As Specified)) for application 210503. This is to include the revised Proposed Block Plan in the approved plans, and the details provided in the addendum for the approved Arboricultural Method Statement.

Public Consultation & Neighbour Consultations

No statutory requirement for any for this type of application. Reading Borough Council, Natural Environment provided comment on the proposed relocation of the entrance gate prior to the submission of this non-material amendment application. It was stated that the proposed relocation would not materially alter the principle of the works approved for application 210503 and the conclusions of the Arboricultural Method Statement.

Plans Considered

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

Approved plans at time of application 210503/FUL

- Entrance Palisade Gates and Pedestrian Access Sheet 01
- Entrance Palisade Gates and Pedestrian Access Sheet 02
- Site Block Plan - 3034.02.02 Rev B
- Site Location Plan - 3034.02.04

Received on 30/03/2021

- Gate Foundations - 3034.02.03

Received on 14/07/2021

- Arboricultural Method Statement - 10822_AMS.001 Rev B

Received on 30/07/2021

Plans and documents received for this application

- Technical Note - TN01: Arboricultural Addendum (18th January 2022)) - 10822.TN.01
- Application Letter - 30850/A3/JL/dw

Received on 24/01/2022

- 3034.02.02 Site Block Plan
- 3034.02.04A Site Location Plan

- Application Letter - 30850/A3/JL/dw

Received on 24/01/2022

- Technical Note - TN01: Arboricultural Addendum (24th February 2022) - 10822.TN.01 Rev A

Received on 25/02/2022

Relevant Planning History

191563/FUL - Erection of store and electricity substation, installation of plant and modifications to drainage - Application Permitted on 09/01/2020

210503/FUL - Replacement of existing entrance gate - Application Permitted on 12/08/2021

210504/ADV - Illuminated signage on east and west elevations - Application Permitted on 12/08/2021

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.

Relevant Planning Guidance

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."*

Relevant Policies

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

Appraisal

The technical note submitted provides clear and appropriate justification for the relocation of the gate 0.5m closer to the highway. It has been demonstrated that excavation of the proposed gate post locations took place, where significant roots to the nearby tree fronting Acre Road were discovered. It was discovered that relocating the gate would avoid the severance of roots that are significant to the nearby trees. The relocation of the proposed entrance gate to avoid harm to the nearby trees has been agreed by the Natural Environment Team. The relocation of the proposed entrance gate is not considered to materially alter the proposed development that was approved under application 210503.

Conclusion

The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission. The wording of the relevant conditions (2 and 4) are therefore altered accordingly (which can take place under s96a, as sought in this instance) to reflect this.

Recommendation

Grant Non-material amendment

Conditions

Amended Condition 2 to application 210503:

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

- Entrance Palisade Gates and Pedestrian Access Sheet 01
- Entrance Palisade Gates and Pedestrian Access Sheet 02

Received on 30/03/2021

- Gate Foundations - 3034.02.03

Received on 14/07/2021

- Arboricultural Method Statement - 10822_AMS.001 Rev B

Received on 30/07/2021

- 3034.02.02 Site Block Plan
- 3034.02.04A Site Location Plan

Received on 24/01/2022

- Technical Note - TN01: Arboricultural Addendum (24th February 2022) - 10822.TN.01 Rev A

Received on 25/02/2022

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.

Amended Condition 4 to application 210503:

Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Arboricultural Report and Method Statement prepared by Aspect Arboriculture dated July 2021, reference 10822_AMS.001 Rev B and Technical Note - TN01: Arboricultural Addendum dated 24/02/2022, reference 10822.TN.01 Rev A. 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:

This notice relates only to the changes to conditions 2 and 4 only. It shall only be read in the context of the substantive planning permission granted under reference number 210503/FUL 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.

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.

The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within the recommended timeframes.