

Address: Palmer Park Stadium

Application No: 211999/NMA

Proposal: Minor amendment to condition 24 of planning permission 201735 to relocate bat boxes to surrounding trees

Case Officer: Alison Amoah

Proposal: The proposed change is to site the ten bird and bat boxes, required under the wording within condition 24 to be built into the walls of the approved extension of the leisure centre, to within surrounding trees. The reasons given by the agent for the change is that:

- Having consulted an Ecologist (John Wenman), the optimal height for bird and bat boxes should be 5m above ground level, but that integrating boxes into the cladding system:
 - (i) Would compromise the required high levels of thermal performance and air tightness required to maintain the pool hall environment of 30°C;
 - (ii) In addition such an environment and high temperature would also not be conducive to either bird nesting or bat roosting.

Such proposed changes would require amendments to the existing wording of condition 24 and condition 2, the latter, which sets out the relevant approved plans.

Existing condition 24 states:

No development shall commence beyond steel frame installation until details of a scheme to include ten integral bird nesting and bat roosting features built in the walls of the new building have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented as part of the installation of the cladding/ roofing system, in accordance with the approved details.

REASON: Details are required prior to commencement as insufficient information was submitted with the application and in order to avoid harm to habitats and species whilst securing biodiversity enhancement in the long term. This accords with Paragraph 175 of the NPPF (2019), Policy EN12 of the Reading Borough Local Plan 2019, the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

The proposed wording is:

Prior to occupation the approved scheme for ten bird nesting and bat roosting features, as detailed within the letter from John Wenman Ecological Consultants, dated 8th December 2021, and on plan 8457-D-AIA, received 13th December 2021, shall be implemented in accordance with the approved details and retained thereafter.

REASON: In order to avoid harm to habitats and species whilst securing biodiversity enhancement in the long term. This accords with Paragraph 175 of the NPPF (2019), Policy EN12 of the Reading Borough Local Plan 2019, the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

The proposed amendment to condition 2 would be to add the following to the list of approved plans and documents:

- *Letter from John Wenman Ecological Consultants, 'Bird and Bat Boxes', dated 8th December 2021, received 13th December 2021*
- *AIA - Drawing no: 8457-D-AIA, received 13th December 2021*

Objections Received (Summary):

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

However, advice was sought from the RBC Ecology Officer. They advised:

A report by John Wenman Ecological Consultancy, 8 Dec 2021 has been produced to provide alternative locations for boxes on trees as the building is not designed in such a way that boxes can be integrated.

The locations and specifications of the boxes are acceptable and whilst it would be preferable to have boxes integrated into the building (as these would be there for the lifetime of the building and would not fall off over time) you will need to decide if the justification for varying the condition is acceptable.

Relevant Planning History:

201735/FUL - Leisure centre extension to include a 25m 6 lane pool, fitness suite, cafe, activity room, parking spaces and landscaping, and the refurbishment of the existing grandstand to include demolition of the existing entrance lobby, internal works and roof works. Full planning application for 15 flats through the change of use and conversion of the front building from leisure (Use Class D2) to residential (Use Class C3) and demolition of the rear building (Use Class D2) and construction of new residential building (Use Class C3), car parking and landscaping - Approved with S106 8/4/2021

Appraisal:

Although ideally the bird nesting and bat roosting boxes should be integral to a building, the requirement for specific external materials to contribute to achieving a sustainable building designed to exceed the BREEAM excellent rating, and specific for the overall function of the building as a leisure centre comprising a pool, weigh in favour under the planning balance. The amendment to the condition would not affect the originally approved overall level or delivery of biodiversity enhancements.

Conclusion:

The overall change as proposed is therefore, considered to be an acceptable non-material alteration to the approved scheme.

Recommendation:

Approve non-material amendment subject to conditions. Although Section 96(A) of the Act does not allow for the original decision to be re-issued, it does allow the modification of, or imposition of, conditions. In this respect it is considered appropriate to impose an additional condition:

Condition 2

The plan hereby approved by this Non-Material Amendment (under Section 96A of the Town and Country Planning Act 1990) are as follows as received 13th December 2021:

- AIA - Drawing no: 8457-D-AIA, received 13th December 2021
- Letter from John Wenman Ecological Consultants, 'Bird and Bat Boxes', dated 8th December 2021, received 13th December 2021

Reason: to clarify which plans are approved by this Non-Material Amendment.

Condition 24:

Prior to occupation the approved scheme for ten bird nesting and bat roosting features, as detailed within the letter from John Wenman Ecological Consultants, dated 8th December 2021, and on plan 8457-D-AIA, received 13th December 2021, shall be implemented in accordance with the approved details and retained thereafter.

REASON: In order to avoid harm to habitats and species whilst securing biodiversity enhancement in the long term. This accords with Paragraph 175 of the NPPF (2019), Policy EN12 of the Reading Borough Local Plan 2019, the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

INFORMATIVES

1. This notice relates only to the changes to conditions 2 and 24 of the substantive planning permission (Ref:201735). 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 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.