

DELEGATED APPLICATION REPORT

Address: Land at Abbotsmead Place

Application No: 210186/NMA

Proposal: Non-Material Amendment of application 181151 - Alterations to the garden allocation, new fence to split the shared garden into two private gardens, increase in length of front path and re-positing of bin and cycle storage. Associated amendment of wording to conditions 2, 10, 15, 16, 17 and 18 (amended description)

Applicant: Grace Allen Homes Ltd

Agreed Target Decision Date: 09/04/21

Case Officer: Connie Davis

1. Site Description and Surrounding Area

The application site relates to a parcel of land fronting onto Abbotsmead Place, to the north The Willows. To the north the site is bounded by Abbotsmead Place and a supermarket carpark beyond. To the east it is bounded by a footpath with 8-11 The Willows beyond. To the south are the properties numbered 17 and 18 The Willows and to the west there is a carpark and 21-22 The Willows. There is a group of trees on the southern boundary of the site. The site was cleared of vegetation and trees prior to the submission of the application.

The surrounding properties comprise two storey buildings with a mix of terrace properties, linked detached houses and maisonettes/ flats, some of which have been extended.

The site is within an Air Quality Management Area and is also located within Flood Zone 2 as designated by the Environment Agency. A Green Corridor runs through the north of the site.

2. The Proposal

Planning permission was granted in October 2019 for the erection of 2 x 1 bed flats with associated parking and landscaping.

This NMA proposal comprises of the sub-division of the approved communal amenity space in to private rear gardens. The ground floor flat would have an amenity space of 117 sqm and a first floor flat have a private amenity space of 27 sqm.

Minor changes are also proposed to extend the length of the front footpath to create a paved side entrance to the ground floor flat. A revised bin and cycle storage layout is proposed so that each property is served with these facilities.

As a result of the non-material amendment, numerous conditions within the original permission will need to be amended so that the revised documents are referred to for consistency. The relevant conditions are:

Condition 2 - Plans

Condition 10 - Landscaping

Condition 15 - Vehicle Parking

Condition 16 - Cycle Parking

Condition 18 - Bin Storage

It is known that the original permission has been implemented, despite pre-commencement conditions on site having not yet been discharged.

Public Consultation

- i. Neighbour Consultation

No statutory requirement for any for this type of application.

3. Consultations

- i. No statutory requirement for this type of application.

4. Plans Considered

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

Approved plans at time of application

Drawing No: Location Plan L.01 Rev A

Drawing No: Block Plan B.01 Rev B

Submitted 17th April 2019

Drawing No: Proposed Site Layout P.01 Rev I

Drawing No: Landscaping Proposals Figure 1 Rev A

Submitted 1st April 2019

Drawing No: Proposed Elevations with Levels and Boundaries P.05

Drawing No: Proposed Plans P.02 Rev A

Drawing No: Sections A-A and B-B P.04

Drawing No: Cycles and Refuse Plans and Elevations P.06

Drawing No: Existing and Proposed Street Scenes P.08

Submitted 9 August 2018

Proposed plans as part of this application

02-20 Rev V1 - Proposed site plan

02-21 Rev V - Proposed hard landscape plan

02-23 Rev V - Bin and cycle store

Received 16th March 2021

02-22 Rev V1 - Proposed soft landscape and bio-diversity plans

Received 31st March 2021

5. Relevant Planning History

210195/APC - Discharge of condition 13 (External Lighting) of planning consent 181151 - Condition Discharged

200116/APC - Application for approval of details reserved by conditions 3,4,5,6,7,9,14 of application 181151 - Pending Consideration

181151/FUL - Erection of a two-storey building to provide 2x1-bed flats (Class C3) with associated works including car/cycle parking, landscaping and refuse storage - Application Permitted

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 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."*

8. Relevant Policies

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

9. Appraisal

In the context of the permitted scheme it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom or neighbour amenities. This is primarily owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context. The proposed sub division of the garden plot would not compromise cycle or refuse areas as these are individually accommodated for within each private garden. Private amenity space is also favoured and would comply with the minimum amenity space required per dwelling.

An 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.

As a result of the non-material amendment, numerous conditions within the original permission also need to be amended so that the revised documents are referred to for consistency. The fundamentals of the conditions remain unaltered, but have been updated with revised documents and policies given Reading Borough Council adopted a new Local Plan in November 2019, following the granting of the original permission.

10. Conclusion

Overall, the proposed amendments are not considered to significantly harm impact the host dwellings, neighbouring properties or the ability to provide sufficient cycle and refuse provision.

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:

1. The drawings hereby approved as a Non-material Amendment to original planning permission 181151 are as follows:

Drawing No.

02-20 Rev V1 - Proposed site plan
02-21 Rev V - Proposed hard landscape plan
02-23 Rev V - Bin and cycle store

Received 16th March 2021

02-22 Rev V1 - Proposed soft landscape and bio-diversity plans

Received 31st March 2021

Reason: To clarify which plans are approved.

2. Changing condition 10 from:

All hard and soft landscape works shall be carried out in accordance with the approved landscaping plans and documents and Landscaping Proposals Figure 1 Rev A from AAe, received on 1 April 2019, to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to comply with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

To:

All hard and soft landscape works shall be carried out in accordance with the approved landscaping plans and documents and drawings '02-22 Rev V1 - Proposed soft landscape and bio-diversity plans', received 31st March 2021 and '02-21 Rev V - Proposed hard landscape plan', received 16th March 2021 to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good

Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to comply with Policies CC7 and EN14 of the Reading Borough Local Plan (2019).

3. Changing condition 15 from:

The building hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with approved plan 'Proposed Site Layout P.01 Rev I' received 1st April 2019. 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 to accord with Policies TR3 and CS24 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

To:

The building hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with approved plan '02-20 Rev V1 - Proposed site plan' received 16th March 2021. 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 to accord with Policies TR3 and TR5 of the Reading Borough Local Plan (2019).

4. Changing condition 16 from:

The building hereby permitted shall not be occupied until the vehicle access serving it has been constructed in accordance with approved drawing 'Proposed Site Layout P.01 Rev I' received 1st April 2019.

Reason: In the interests of road safety in accordance with Policy CS20 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

To:

The building hereby permitted shall not be occupied until the vehicle access serving it has been constructed in accordance with approved drawing '02-20 Rev V1 - Proposed site plan' received 16th March 2021.

Reason: In the interests of road safety in accordance with Policy TR3 of the Reading Borough Local Plan (2019).

5. Changing condition 17 from:

The building hereby permitted shall not be occupied until the bicycle parking facility for that building has been provided in accordance with approved plan 'Proposed Site Layout P.01 Rev I' received 1st April 2019. The facility shall be kept available for bicycle parking at all times thereafter.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with Policies CS23 and CS24 of the Reading Borough LDF Core Strategy 2008 (altered 2015).

To:

The building hereby permitted shall not be occupied until the bicycle parking facility for that building has been provided in accordance with approved plan '02-20 Rev V1 - Proposed site plan', received 16th March 2021 and '02-23 Rev V - Bin and cycle store', received 16th March 2021. The facility shall be kept available for bicycle parking at all times thereafter.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with Policies TR4 and TR5 of the Reading Borough Local Plan (2019).

6. Changing condition 18 from:

The building hereby approved shall not be occupied until the bin storage facility shown on approved plan 'Proposed Site Layout P.01 Rev I' received 1st April 2019 has been provided and the bin storage facility shall be retained thereafter for use by occupiers of the building at all times.

Reason: In the interests of the visual amenity of the area and to ensure that bins can be easily accessed when required in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015)

To:

The building hereby approved shall not be occupied until the bin storage facility shown on approved plans '02-20 Rev V1 - Proposed site plan', received 16th March 2021 and '02-23 Rev V - Bin and cycle store', received 16th March 2021 has been provided and the bin storage facility shall be retained thereafter for use by occupiers of the building at all times.

Reason: In the interests of the visual amenity of the area and to ensure that bins can be easily accessed when required in accordance with Policy CC7 of the Reading Borough Local Plan (2019).

Informatives:

1. This permission relates only to the non-material amendment sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 31st October 2019 under reference number 181151 and is bound by all the conditions 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.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within agreed timeframes.