

DELEGATED APPLICATION REPORT

Address: Dee Park, Phase 2c Community Centre, Dee Park, Reading, RG30 4DD

Application No: 201809/NMA

Proposal: Non-material amendments to permission 172312 (Provision of the Dee Park Community Centre, as granted on 26/02/2018) to alter the trigger point for submission/approval of conditions 3 (Materials), 5a (Cycle Parking), 6a, 6c & 6d (Landscaping), 7 (BREEAM) and 8 (Ecological Enhancements) from pre-commencement of any development to pre-commencement of any development beyond the construction of the damp proof course of the building.

Applicant: Star Contractors

Date received (valid from): 15/12/2020

Target Decision date: 12/01/2021

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site was described as follows in the officer report as part of application 172312:
- 1.2 *The site is currently fenced off following the demolition of two former residential blocks in 2015. The site faces new flats and houses to the north, east and south which have been developed as part of Phase 2B of the Dee Park Regeneration Programme. To the west of the site on Thurso Close are two residential blocks, one of which will be demolished. Following the adoption of the Dee Park Planning brief in December 2008, outline planning consent was granted in December 2009 for the phased regeneration of the Dee Park Estate and the masterplan that was approved for the site identified a new Community Centre being re-provided on Spey Road.*
- 1.3 *Application 141662/FUL was granted planning permission for the temporary relocation of the existing community facilities to Glenmore Close. The location of the Community Centre has been changed from the approved masterplan (originally Spey Road) which is not now considered the best place for the Community Centre and a new location on Thurso Close near to the existing temporary location is proposed.*

2. The Proposals

- i. Non-material amendments to planning permission 172312, which granted the provision of the Dee Park Community Centre on 26/02/2018. More specifically, the proposal seeks to alter the trigger point for the submission/approval of conditions 3 (Materials), 5a (Cycle Parking), 6a, 6c & 6d (Landscaping), 7 (BREEAM) and 8 (Ecological Enhancements) from pre-commencement of any development to pre-commencement of any development beyond the construction of the damp proof course of the building. This would consequently enable effectively the foundations of the building to be constructed prior to these conditions being required to be satisfied.
- ii. The applicant detailed prior to the submission of the application that the application has arisen due to the expiry date for the original permission being imminent and the need for greater flexibility in the timing of submissions/details, thereby ensuring that the permission does not lapse (or be undertaken not in accordance with the time triggers referenced in the conditions).

3. Internal Consultations

None required

4. Councillor / Public Consultation

i. Councillor Consultation

Since April 2020 the Chair & Vice Chair of the Planning Application Committee and Ward Councillors are no longer required to be notified on NMA or MMA applications which were originally determined by the Planning Applications Committee. This follows a change in the scheme of delegation, as agreed by Policy Committee. Accordingly, members were not formally notified on these applications.

In addition, whilst the applicant stated on the application form is Star Contractors, it is known that this is effectively a Council's own application (as the original permission was). Given a section 96a non-material amendment application is not an application for planning permission, conservation area consent or listed building consent, there is no requirement for this type of application to automatically be required to be considered by the Planning Applications Committee (as per the scheme of delegation).

Neighbour Consultation

None required for this type of application. No substantive responses received.

Site Notice

Not required for this type of application.

5. Plans / Documents Considered

- i. The Council, in reaching its recommendation, has taken into consideration the information contained within the application form and the supporting letter from Star Contractors dated 15/12/2020.

6. Relevant Planning History

172312 - Provision of the Dee Park Community Centre comprising of a Children's Centre, secure outdoor amenity space, community hall, offices and cafe with associated landscaping and disabled parking. Granted 26/02/2018.

201807/APPCON - Discharge of condition 3 (Materials) of planning permission 172312. Current application under consideration.

201808/APPCON - Discharge of condition 10 (Ground Investigation) of planning permission 172312. Current application under consideration.

201839/APPCON - Discharge of condition 6b (functional services in relation to landscaping) of planning permission 172312. Current application under consideration.

210002/APPCON - Discharge of condition 4 (Construction Method Statement) of planning permission 172312. Current application under consideration.

7. 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.

8. 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."*

9. Relevant Policies

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

10. Appraisals

- i. These changes have been considered by officers, who are content that the proposed wording changes in all instances are acceptable, assisting in the development being implemented without compromising on the level/nature of information considered necessary by the local planning authority in granting the original application.

- ii. In short, the changes alter the trigger point for submission of these details from pre-commencement to pre-commencement of any development beyond the construction of the damp proof course of the building. This will effectively enable the foundations and the very lowest level of the walls forming the future community centre (usually up to 6 inches from the ground level) to be constructed prior to these details then being required to be submitted and approved. This will assist the delivery of the scheme, bearing in mind that the expiry date for commencement of development is 26/02/2021 and, as per the presently worded conditions, all of the proposed conditions would need to be satisfied prior to that point in time.
- iii. Based on correspondence in advance of the application, officers advised that the proposed flexibility could be justifiably applied to the conditions sought to be varied, but not conditions 4, 6b and 10, for which approval of details applications are now under consideration (see relevant history section above). In the case of the proposed conditions [3 (Materials), 5a (Cycle Parking), 6a, 6c & 6d (Landscaping), 7 (BREEAM) and 8 (Ecological Enhancements)] the construction of the development up to the damp proof course would not be considered to compromise any of these conditions being potentially discharged at that juncture, in comparison with the currently worded trigger point.
- iv. Officers also consider that these changes can be made through the non-material amendment procedure. More specifically, it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities, landscaping proposals, transport, highway safety, sustainability or ecological intentions or any other consideration, set within the context of the original permission. This is primarily owing to the context of the overall original scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context. The changes in the wording of the conditions do not dilute the level/nature of the information required to be submitted, but merely provides more flexibility (time) to submit such details.
- v. All changes proposed as part of these applications are therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure. It is also noted that such flexibility has been recently afforded to other sites in the Borough, with similar changes to wording of conditions (relating to the trigger point for submission/approval) agreed in applications 191233, 191234, 191235, 191237, 191238, 191253, 200967 and 200968 to name but a few comparable examples. As such, the proposed approach is not unique and instead is a fairly commonplace event, with the ultimate aim being providing the necessary (where justified) flexibility in the planning system to enable development to come forward.
- vi. An informative is recommended which states that this decision shall only be read in the context of planning permission 172312, and is bound by all the 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.
- vii. For completeness, it is also noted that the policies referenced in the reason for each replacement condition will be updated to reflect the adoption of the Reading Borough Local Plan 2019 (rather than continuing to reference now superseded policies).

11. Conclusion

- i. The local planning authority is satisfied that the changes proposed do not constitute material changes to the approved planning permission.

Recommendation

Grant Non-material amendments

12. Conditions:

REPLACEMENT CONDITION 3 (Materials)

3. No development shall take place beyond the construction of the damp proof course of the building until details of the materials to be used in the construction of the external surfaces of the development including brick and windows have been submitted to and approved in writing by the local planning authority. The development shall be carried out using only the approved materials.

Reason: as no details have been submitted and in the interests of the visual appearance of the building and the area in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 5a (Cycle Parking)

5. Cycle Parking:

- (a) No development shall take place beyond the construction of the damp proof course of the building until a plan has been submitted to and been approved in writing by the Local Planning Authority to show how bicycle parking facilities will be provided on site.
- (b) No building or use hereby permitted shall be occupied or the use commenced until the bicycle parking facility for that building or use has been completed as shown on the approved plan.
- (c) Thereafter the bicycle parking facility shall be kept free of obstruction and available for cycle parking at all times thereafter.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with Policies TR1 and TR5 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 6a, 6c & 6d (Landscaping)

6. (i) No development shall take place until full details of both the following hard and soft landscaping have been submitted to and been approved in writing by the local planning authority. The submitted details shall include:

- (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc);

(ii) No development shall take place beyond the construction of the damp proof course of the building until full details of both the following hard and soft landscaping have been submitted to and been approved in writing by the local planning authority. The submitted details shall include:

(a) hard surfacing materials; and

(c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.

(d) Tree pit specifications.

Reason: in the interest of ensuring that the landscaping of the development enhances the visual local environment and in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 7 (BREEAM)

7. No development shall take place beyond the construction of the damp proof course of the building until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and receipt acknowledged in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with sustainable building standards, in accordance with Policy CC2 of the Reading Borough Local Plan 2019 and Sustainable Design and Construction Supplementary Planning Document (2019).

REPLACEMENT CONDITION 8 (Ecological Enhancements)

8. No development shall commence beyond the construction of the damp proof course of the building until full details of ecological enhancements (including integral bird nesting and bat roosting opportunities on and around the new buildings) shall be submitted to and approved in writing by the local planning authority. The measures contained within the plan shall be implemented in accordance with the approved plan unless otherwise approved in writing by the local planning authority.

Reason: To incorporate biodiversity in and around development in accordance 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 decision relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of planning permission 172312 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 the recommended timeframes.