

DELEGATED APPLICATION REPORT

Address: 199 Henley Road, Caversham, Reading, RG4 6LJ

Application No: 210829/NMA

Proposal: Non-material amendment to planning permission 190835 (redevelopment for residential care home), to alter the wording of condition 6 (Arboricultural Method Statement and Tree Protection Plan) from a pre-commencement condition to a compliance based condition. (Amended description)

Applicant: Mr D Gray

Date received: 21/05/2021

Valid from: 24/06/2021

Target Decision date: 22/07/2021

Case officer: David Brett

Site Description and Surrounding Area

The area surrounding the proposal site is considered largely residential. The proposal site slopes down significantly from the highway to the rear boundary. The area directly to the south is designated as a Major Landscape Feature and contains a Green Link. The Berry Brook lies outside of the southern boundary of the site and results in the application site falling within Flood Zones 1, 2 and 3a (on the southern boundary).

The Proposal

Application 190835 received full planning permission for the demolition of 199-203 Henley Road and erection of part four, part three and part two storey 82 unit residential care home building (C2 use class) with associated external structures, access from Henley Road, car parking and landscaping.

This non-material amendment application to planning permission 190835 (redevelopment for residential care home), seeks to alter the wording of condition 6 (Arboricultural Method Statement and Tree Protection Plan) from a pre-commencement condition to a compliance based condition. The wording for condition 6 for planning permission 190835 is as follows:

- No development shall commence on site (including demolition or preparatory works) until an Arboricultural Method Statement and Tree Protection Plan in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice for all existing trees that are not shown as being removed on the approved drawings, both within and adjacent to the site, has been submitted to and been approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
- Reason: In order to ensure that appropriate protection is given to trees of amenity value within and adjacent to the site in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

Public Consultation & Neighbour Consultations

No statutory requirement for any for this type of application. Reading Borough Council, Natural Environment were consulted due to the nature of the non-material amendment sought

Reading Borough Council, Natural Environment - Response received on 20/07/2021

- I can confirm that the AMS Addendum satisfactorily covers the points I discussed on site with all parties in April this year and I have no objections to condition 6 being amended.

Plans Considered

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

Approved plans at time of application 200175/APC

- Tracy Clarke Tree Consultancy Arboricultural Method Statement ref. TCTC-17327-AMS [TENDER] - Rev B (April 2020).

Received on 02/04/2020

Plans and documents received for this application

- Tree Protection Plan - CONSTRUCTION AMENDMENTS - TCTC-17327-T-04 Rev B
- Arboricultural Method Statement - TCTC-17327-AMS - Rev B ADDENDUM

Received on 21/05/2021

Relevant Planning History

040394/OUT - Outline application for the erection of 10 x 3 bedroom terraced houses. - Application Withdrawn on 11/05/04

040395/OUT - Erection of 8 x 3 bedroom semi-detached houses. - Application Refused on 08/07/2004

061402/OUT - Outline application for the erection of 7 dwellings, considering the matters of siting and access. - Application Withdrawn on 30/10/06

161842/FUL - Demolition of nos 199-203 Henley Road and erection of 60 dwellings at 199-203 Henley Road and to the rear of 205-207 Henley Road with associated access from Henley Road and landscaping. - Application Refused on 18/1/2017

170959/FUL - Demolition of 199-203 Henley Road and erection of 42 dwellings at 199-203 Henley Road and to the rear of 205-207 Henley Road with associated access from Henley Road and landscaping. - Application Permitted on 06/06/2018

180418/OUT - Outline application for the demolition of nos 199-203 Henley Road and erection of 42 dwellings at 199-203 Henley Road and to the rear of 205-207 Henley Road with associated access from Henley Road (considering access, appearance, layout and scale). - Application Permitted (Committee Decision) on 07/01/2019

190835/FUL - Demolition of 199-203 Henley Road and erection of part four, part three and part two storey 82 unit residential care home building (C2 use class) with associated external structures, access from Henley Road, car parking and landscaping. - Application Permitted on 19/12/2019 (Committee Decision)

200175/APC - Discharge of condition 6 (Arboricultural Method Statement including Tree Protection Plan) for planning permission 190835 - Conditions Discharged on 07/05/2020

200588/APC - Application for discharge of condition 40 (Drainage Strategy) of planning permission 190835 - Conditions Discharged on 28/09/2020

201382/NMA - Non-material amendment to planning permission ref. 190835 to correct the care home beds to be provided from 82 to 86 - Agreed on 30/11/2020

201798/APC - Application for approval of details reserved by condition 3 (Schedule of Materials) of planning permission 190835 - Condition Discharged on 10/02/2021

210232/NMA - Non-Material Amendment to permitted application 190835 - Change of facing bricks. Change of rainwater goods. - Agreed on 18/03/2021

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

Condition 6 for planning permission 190835 was discharged on 07/05/2020 upon submission of a satisfactory Arboricultural Method Statement. An addendum has been made to the agreed Arboricultural Method Statement, therefore, it is proposed that the wording be altered for condition 6 of planning permission 190835 to a compliance condition rather than pre-commencement condition to enable the amendments made to the AMS to be agreed. The following amendments have been made to the AMS received on 02/04/2020:

- Proposed removal of T82
- Additional storage area south of the site (amendment to tree protection line).
- Method of working (including possible root pruning) to achieve safe construction of the north block.
- Amendment of tree protection line adjacent T85 and installation of 'no dig' loading bearing temporary access route.
- Arboricultural site supervision proposals for the works.

The Reading Borough Council Natural Environment Officer has agreed to the amendments as outlined in the AMS submitted for this non-material amendment application on 21/05/2021, and has recommended the wording for a compliance condition that includes the original AMS approved under application 200175/APC. Therefore, it is recommended that this non-material amendment application is agreed.

Conclusion

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

Amended Condition 6 to application 190835:

1. The development shall be carried out in accordance with the following approved Arboricultural Method Statement and Tree Protection Plan documents:
 - Tracy Clarke Tree Consultancy Arboricultural Method Statement ref. TCTC-17327-AMS [TENDER] - Rev B (April 2020).
Received on 02/04/2020
 - Tree Protection Plan - CONSTRUCTION AMENDMENTS - TCTC-17327-T-04 Rev B
 - Arboricultural Method Statement - TCTC-17327-AMS - Rev B ADDENDUM
Received on 21/05/2021

The development shall not be carried out other than in accordance with these approved documents.

Reason: In order to ensure that appropriate protection is given to trees of amenity value within and adjacent to the site in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

Informatives:

This notice relates only to the changes to condition 6 only. It shall only be read in the context of the substantive planning permission granted under reference number 190835/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.