

DELEGATED APPLICATION REPORT

Address: 19 Parkside Road

Application No: 210546/NMA

Proposal: Proposed Non-Material Amendment to the wording of conditions 3 (Plans) and 4 (Arboricultural Report) of planning permission 200616

Applicant: Mr R Stimpson

Agreed Target Decision Date: 08/06/21

Case officer: Connie Davis

1. Site Description and Surrounding Area

The application site is a two-storey semi-detached property located in a large plot. The site has access from both Parkside Road and Kearsley Road which are both residential areas.

The site is not listed, nor in a conservation area. However, a TPO is located in close proximity to the site's Kearsley Road entrance.

2. The Proposal

Planning permission was approved for replacement access gates and boundary treatment. This NMA proposal comprises of the alteration of the formally approved root protection area of the protected tree shown on the plans. As a result, the approved plans (condition 3) and tree protection documents (condition 4) of the original permission 200616, are wanting to be amended. As such, an amendment to the wording of the conditions are proposed (to reference the new plans/ documents).

No changes are proposed to the design or siting of the gates themselves.

Public Consultation

i. Neighbour Consultation

No statutory requirement for any for this type of application.

3. Consultations

Natural Environment Officer - No objections

4. Plans Considered

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

Approved plans at time of application

2001-111 Rev A - Existing Location Plan

2001-110 Rev A - Existing Block Plan

Received 30th April 2020
2001-006 Rev P3 - Kearsley Road Entrance Plan as Proposed Option 6
Received 25th June 2020

Proposed plans as part of this application
2001-101 T5 dated 27/05/21 - Kearsley Road Entrance Plan

Received 3rd June 2021

BS 5837:2012 TREE SURVEY AND ARBORICULTURAL METHOD STATEMENT FOR 19 PARKSIDE ROAD READING Ref: PB/5837-20/21.07/Rev A, dated 5 January 2021 incorporating Mitigation Plan PB/MIT-20/21.07 Rev A

Received 12th April 2021

5. Relevant Planning History

None.

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

Upon consultation with the Natural Environment Officer, the proposed amendments to the Tree report to adjust the extent of the root protection area is considered acceptable. This is considered a technical matter and to benefit the nearby protected tree, rather than amend the design or principle of the development. As such, in the context of the permitted scheme it is not considered that the amendment will have any material impact on the overall design idiom or neighbour amenities. The approved plans have also been updated to reflect the changes outlined in the tree report.

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 amendment, conditions 3 and 4 will be reworded to reflect the new plans/ documents only.

10. Conclusion

Overall, the proposed amendments are not considered to significantly harm impact the host dwelling or neighbouring properties but rather are a technical matter relating to the root protection area of the near by TPO tree.

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. Replacement condition 3:

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

2001-111 Rev A - Existing Location Plan

2001-110 Rev A - Existing Block Plan

Received 30th April 2020

2001-101 T5 dated 27/05/21 - Kearsley Road Entrance Plan

Received 3rd June 2021

BS 5837:2012 TREE SURVEY AND ARBORICULTURAL METHOD STATEMENT FOR 19 PARKSIDE ROAD READING Ref: PB/5837-20/21.07/Rev A, dated 5 January 2021 incorporating Mitigation Plan PB/MIT-20/21.07 Rev A

Received 12th April 2021

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.

2. Replacement condition 4:

Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with BS 5837:2012 TREE SURVEY AND ARBORICULTURAL METHOD STATEMENT FOR 19 PARKSIDE ROAD READING Ref: PB/5837-20/21.07/Rev A, dated 5 January 2021 incorporating Mitigation Plan PB/MIT-20/21.07 Rev A received 12th April 2021. 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:

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 10/08/20 under reference number 200616 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.