

DELEGATED APPLICATION REPORT

Address: 37 Richmond Road, Reading

Application No: 191298/NMA

Proposal: Non-material amendments to permission 150753 (as allowed on appeal on 29 February 2016 - APP/E0345/W/15/3132391) to alter the wording of Condition 12 (tree protection measures) to refer to updated tree protection measures.

Agent: Colony Architects Ltd

Date received (valid from): 07/08/19

Target Decision date: 04/09/19

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site (area 0.18ha) is formed of the now former residential plot of No 37 Richmond Road, which previously (until recent demolition) contained a bungalow, set to rear of the individual dwellings that form the Richmond Road frontage. The site is now under construction for the erection of two dwellings, as allowed under appeal following application 150753. The application site also encompasses the shared access to the proposed dwellings, via the existing vehicular shared driveway to No 35 and No 37 Richmond Road.
- 1.2 The application site, due to its location to the rear of existing properties, is bounded directly by the residential dwellings at 33-45 (odd) Richmond Road, 114-120 (even) Woodcote Road and 10 Woodford Close. The immediate context is of large bungalows in deep plots. The residential area surrounding the site is characterised by the single storey bungalows fronting onto Richmond Road; standard two storey dwellings (circa 1970s) on Woodford Close to the west, smaller two-storey dwellings in reduced sized plots on Atterbury Gardens and relatively large two-storey dwellings within deep plots located fronting onto Richmond Road and Woodcote Road.
- 1.3 The application site includes four trees which are subject to Tree Preservation Orders (TPO 25/00), located close to the boundaries of No. 39 and 43 Richmond Road, 114 Woodcote Road and 10 Woodford Close. The south-west half of the site is also within an air quality management area.

2. The Proposal

- i. Non-material amendments to planning permission 150753, namely to alter the wording of Condition 12 (tree protection measures) to refer to updated tree protection measures stated within an updated Tree Survey / AIA / AMS submitted. These have arisen during the early stages of the construction process and have been submitted following discussions (including a site visit) with the RBC Natural Environment team. The comments made by officers have been incorporated into the submitted report. The application has arisen as the development was not being carried out in accordance with the measures outlined within the originally worded condition 12; hence the submission of this application to regularise the situation.

3. Internal Consultations

RBC Natural Environment officer confirmed that the revised AMS was satisfactory, but an updated (agreed prior to submission) TPP had not been submitted, and instead the (now unsatisfactory) TPP approved at the time of the original permission had erroneously been submitted.

The agent of the applicant agreed on 30/08/19 for the condition to be reworded to reference the updated TPP; hence no issues are now raised.

4. Councillor / Public Consultation

- i. Councillor Consultation
None required for this type of application.

Neighbour Consultation
None required for this type of application.

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 following plans:

Revised Tree Survey Arboricultural Impact Assessment Arboricultural Method Statement Ref CC/1255 AR2566 by Challice Consulting Ltd, dated 15/04/19, as received 07/08/19, with the exception of Tree Protection Plan TPP-CC/1255 AR2566 Rev 1 at Appendix 3

Tree Protection Plan Ref TPP-CC/2120 AR4019 Rev 2

6. Relevant Planning History

150753 - Demolition of existing 4 bed bungalow and replacement with 2x5 bed properties, including highways and landscaping. re-submission of refused application 14/1660. Refused 25/06/15. Allowed on appeal (APP/E0345/W/15/3132391) 29/02/16.

161361 - Discharge of conditions 3 (materials), 4 (elevation plans), 5 (finished levels), 6 (construction method statement), 8 (landscaping) and 11 (refuse and recycling) of

planning permission 150753, as allowed on appeal (Ref: APP/E0345/W/15/3132391) on 29/02/16. Discharged 07/12/16.

182118 - Non-Material Amendments to planning permission 150753, as allowed on appeal (Ref: APP/E0345/W/15/3132391) on 29/02/16, including elevational changes, dormer window design change, timber cladding and grey brick to be used in place of buff brick and red brick. Agreed 19/12/18.

182119 - Discharge of conditions 3 (materials) of planning permission 150753, as allowed on appeal (Ref: APP/E0345/W/15/3132391) on 29/02/16.

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. Appraisal

- i. These changes have been considered by officers, who are content that the proposed changes are acceptable. In particular, the Natural Environment team has confirmed contention with the revised statement and in particular the addendum to the AMS (with the exception of the TPP at appendix 3) and TPP, Tree Protection Plan Ref TPP-CC/2120 AR4019 Rev 2 as submitted previously / agreed by the agent. 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 (in this specific case maintaining a suitable landscaped appearance to protect and enhance the character of the area, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 Altered 2015 and Policy DM18 of the Sites and Detailed Policies Document 2012 Altered 2015) neighbour amenities, transport and highway safety intentions.

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.

- ii. All changes proposed as part of this application are considered appropriate by officers and suitable to progress through the non-material amendment procedure. Furthermore, the proposals have also been considered within the context of the previous non-material amendments approved at the site in December 2018 (see the relevant history section above). The effect of the proposed changes and those previously approved are individually and cumulatively considered to be non-material amendments.
- iii. 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 planning permission granted under reference number 150753, and is bound by all the conditions and obligations 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.

11. Conclusion

- i. 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

12. Conditions:

REPLACEMENT CONDITION 12

The development hereby permitted shall be carried out in accordance with the tree protection measures as set out in the Revised Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement by Chalice Consulting Ltd dated 15 April 2015 Ref CC/1255 AR2566 as received 07/08/2019, with the exception of Tree Protection Plan TPP-CC/1255 AR2566 Rev 1 at Appendix 3, which is not approved, and instead in accordance with the Tree Protection Plan Ref TPP-CC/2120 AR4019 Rev 2.

Reason: To maintain a suitable landscaped appearance to protect and enhance the character of the area, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM18 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Informatives:

- 1. This permission relates only to the changes highlighted on the revised document / plan. Furthermore it shall only be read in the context of the planning permission 150753 / appeal ref: APP/E0345/W/15/3132391 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- such as non-material amendment applications 182118 granted on 19/12/18) 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.