

DELEGATED APPLICATION REPORT

Address: The Arthur Clark Home, 1 Albert Road, Reading

Application No: 180429/NMA

Proposal: Non-material amendments to permission 152277 (granted on 18/10/2016 for the erection of a 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works, following demolition of existing buildings) to provide an ancillary astro turf lawn bowls area close to the south- east corner of the site and amendments to the landscaping and path layout.

Applicant: A2Dominion Housing Options Ltd

Date received (valid from): 08/03/18

Target Decision date: Originally 05/04/18; Extensions of time subsequently agreed until 18/05/18.

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site is approximately 0.47ha in size and forms a 'corner plot' bounded to the east by The Mount and Albert Road, with Dovedale Close to the south. To the north and west of the site are the residential rear gardens of properties fronting Albert Road, Dovedale Close and Blossom Road. The wider area is characterised by dwellings of varying ages and architectural styles, including 2 / roofspace 3-storey Edwardian / Victorian dwellings set in generous plots and 1960s 2-storey properties within the residential development at Dovedale Close. As such, the surrounding area is characterised solely by residential uses.
- 1.2 The site is presently under construction for the erection of a 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works. This has followed the recent demolition of the pre-existing buildings at the site, which were formerly utilised (until 2013) as the Albert Road Day Centre and Arthur Clark Care Home.
- 1.3 The site is also characterised by a garden area in the south-east of the site and a significant number of mature trees, which form a boundary screen around the site. On 19 April 2016 a Tree Preservation Order (TPO) (Ref 9/16) was served on the application site, to include those trees considered to be important to the character of the area and prominent from a number of viewpoints locally. Moreover, the protection of the trees was considered necessary to ensure their retention in the future. This relates to 13 individual trees (5 Limes, 2 Horse Chestnuts, 2 Sycamores, 1 Cedar, 1 Pine, 1 Yew and 1 Copper Beach) spread across the west and south perimeter of the site (predominantly the western boundary) and one group (comprising a Sycamore and Monterey Cypress) fronting onto Albert Road. It is also relevant to note that five trees within the neighbouring No. 3 Albert Road, but on the boundary with the application site, are subject to TPOs (3 Yews, 1 Oak, 1 Lime). Furthermore, there are six TPO trees on the Albert Road boundary within the garden of 8 The Mount (3 Sycamore, 1 Pine, 1 Fir, 1 Horse Chestnut).
- 1.4 The site is not located within a conservation area. However, the boundary of the St Peters Conservation Area is 33m to the south of the site (encompassing the grounds of the Treetops residential dwellings). The western edge of the application site is within an air quality management area. The site is located within the Thames ward, although The Mount represents the ward boundary with Caversham ward.

- 1.5 In addition, the Albert Road Day Centre/Arthur Clarke Care Home & environs at 1 Albert Road is formally listed as an asset of community value (ACV), as per the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012. In practice this means that if a landowner wants to sell a registered property, they must give notice. If a group wants to buy the asset, they can trigger a 6 month moratorium to give them a chance to raise the money but the landowner can still sell at the going market rate. This period gives community groups some time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period. In this case, the site was listed on 17/09/13, with a notice from the owner to dispose of the site received on 11/07/14. At the end of the subsequent six month period no full moratorium was triggered. Nevertheless, the site remains listed as an ACV until 16/09/18.

2. The Proposal

- i. Non-material amendments to planning permission 152277 granted on 18/10/2016 are proposed. More specifically, these seek to provide an ancillary astro turf lawn bowls area close to the south- east corner of the site and amendments to the landscaping and path layout. During the course of the application further details have been submitted to ensure that the Natural Environment Officer is content with the proposed changes.

3. Public Consultation

- i. Neighbour Consultation
No statutory requirement for any for this type of application.

During the course of the application comments were received (via the Natural Environment Officer - so not formally submitted as part of this application) from a nearby occupier regarding planting / railings along the Albert Road boundary and consistency between plans approved at various times (see relevant history). These were taken into account by the Natural Environment Officer when providing comments on the application.

- ii. Vice Chair of the Planning Application Committee (not the chair, as no chair was in place at the time of the consultation) and Thames Ward Councillors

The above councillors were notified via email of the above application on 28/05/18, seeking any comments and agreement to the application being determined by officers under delegated powers by 17/05/18.

Councillors were advised at the time of the consultation that the Natural Environment officer had been closely involved in the consideration of this proposal, which facilitated the submission of a revised tree protection plan, addendum arboricultural method statement and further details regarding the bowls area to ensure that there will be no harmful impacts on retained trees in the locality. As part of this, Councillors were advised that the Natural Environment officer was now fully satisfied with the proposals from this perspective.

Cllr Hopper replied as follows: "My main concern would have been if the proposal removed any previously approved parking spaces at the development but as far as I can tell from the documents on the planning portal this will not be the case. On that basis, I am happy for this to be undertaken via delegated powers."

No other responses were received.

4. Consultations

i. Natural Environment Officer

ii. Original observations

The landscaping for this site was agreed under application 162361, which approved Landscape drawing 7786-01 B. Following this Rev C was agreed which showed the hedge on the Albert Road frontage, as was expected.

With reference Landscape Proposals drawing 7786-01 Rev D and Proposed Landscape Plan FC420-0-03 Rev S4, there are a few issues:

- The two drawings are not consistent with each other with regard to the landscaping in the vicinity of the proposed lawn bowls area. The latter appears to show the retention of a tree on the north-east corner of the bowls lawn which is only just visible on the former plan and which I would suggest it may not be feasible to retain - clarification is required.
- The approved landscape drawing shows two new Birch tree (Bp) in the vicinity. Drawing 7786-01 Rev D only now shows one, so results in the loss of one proposed tree. However, Plan FC420-0-03 Rev S4 indicates two new trees to the south of the bowls lawn. Clarification is required.

In addition, the proposed bowl lawn is within the RPA of several retained trees, therefore the potential impact needs to be considered. Astro-turf tends to require a subbase of some kind and given it is for a bowls lawn, a level ground will have to be provided. No details on ground works have been submitted and these are required to demonstrate that the proposal is acceptable in relation to trees.

- iii. Further comments following the submission of additional / revised information on 16/04/18 by the applicant:
If this is approved, the applicant will no longer be able to implement the Arb Method Statement approved under 162361. The applicant therefore needs to address this. It is suggested that a revised Tree protection Plan and perhaps an addendum to the AMS to address the installation of the bowls lawn is required.
- Bowling green Details drawing FC420-4-10 doesn't show the existing ground level (which should be shown) but I assume the geotextile proposed is on top of existing. It is noted that Type 1 granular sub base is proposed, however this contains fines which will limit porosity - important within RPAs. It would also need to be compacted - something else to be avoided within RPAs. There is no detail about the edging, which is required to demonstrate that no digging is required for this.
- The landscaping itself seems reasonable. It is noted that the new Hornbeam hedge is still shown along the Albert Road frontage (adjacent to parking spaces 8-11). The hedge shown adjacent to parking spaces 3-7 and south of parking spaces 11 (along the Albert Road frontage) should be the retention of the existing, but it is noted there is no label to this effect - which would be prudent to avoid misunderstanding.
- It is assumed that the annotation for 'existing railings retained' on the Albert Road frontage close to the junction with The Mount is sufficient to show that this extends for the whole length of the frontage? It would seem prudent for the landscape drawing to be very clear on where railings are retained and where close boarded fencing is proposed.
- The Landscape Proposals Plan Rev E is not consistent with Proposed landscape Plan FC420-0-03 S5 as the latter does not show all proposed trees and the former still appears to show a tree to be retained on the north-east corner of the bowl green, confirmed as needing to be removed by the agent.
- iv. Further comments following the submission of additional / revised information on 16/04/18 by the applicant:
The revised documents address the issues raised previously.
There are two important things to note, however, that it would be prudent for the applicant to consider at this point:
- 1) The Tree Protection Plan - Hard Landscape 540-03.3 Rev E only shows a curved section of the bowls lawn within the RPA of T54 to be no-dig. This no-dig specification will raise the ground level and given that it's a bowls lawn, the remainder of the lawn will obviously have to be at the same level. Hence, the entire area will have to be built up above ground level. Whilst a cellular confinement system does not have to be used for all of this, it would seem practical to consider using it for the whole area or at least for an area over which whole sections of the CCS can be laid, i.e. extending slightly outside the RPA, to avoid cutting it into a circular shape to match the RPA.
 - 2) The Drainage Layout Drawing (previously approved) included within the AMS includes a soakaway in the location of the bowls lawn. Are the two mutually inclusive or will the soakaway have to be re-located? If relocation is required, we should be consulted as there are potential impacts for root systems which will limit the soakaway location.
- v. Final comments following the submission of responses to the above on 09/05/18:
The responses are satisfactory.

5. Plans Considered

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

Plans to be superseded (approved at time of 152277):

FC420-0-03 rev S3 - Proposed Landscape Plan, as received 29/04/16

Arboricultural Method Statement, Tree Survey & Tree Protection Plan by SJ Stephens Associates Ref 540, dated 10/05/16, as received 12/05/16

Plans as now proposed:

FC420-0-03 Rev S5 - Proposed Landscape Plan, as received 04/05/18

FC420-4-10 Rev A - Bowling Green Detail, as received 04/05/18

7786-01 Rev E - Landscape Proposals Dovedale Close Reading, as received 04/05/18

Arboricultural Method Statement, Tree Survey & Tree Protection Plan by SJ Stephens Associates Ref 540 dated 02/05/18, as received 04/05/18

Email from Archadia 'RE: 180429/NMA - Arthur Clarke Home, 1 Albert Road', dated and received 09/05/18

Other information submitted:

Email from Archadia 'RE: 180429/NMA - Arthur Clarke Home, 1 Albert Road', dated and received 04/05/18 - clarifying points stated within the documents/plans submitted at this time.

Email from Archadia 'RE: 180429/NMA - Arthur Clarke Home, 1 Albert Road', dated and received 16/04/18 - clarifying points stated within the documents/plans submitted at this time.

6. Relevant Planning History

- i. 152277 - Erection of a 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works, following demolition of existing buildings. Granted following completion of s106 Legal Agreement 18/10/2016.
- ii. 162179 - Discharge of condition 9 (Construction Method Statement) of planning permission 152277. Condition discharged 30/01/17.
- iii. 162361 - Discharge of conditions 3 (materials), 14i (Secured by Design measures), 15 (Sustainable Drainage Scheme), 17i (BREEAM final design stage), 19 (Arboricultural Method Statement), 20i (Hard and Soft Landscaping) and 22 (Levels) of planning permission 152277. Conditions discharged 06/03/17.
- iv. 170485 - Discharge of condition 3 (materials) of planning permission 152277. Condition discharged 26/04/17.
- v. 171052/NMA - Non-material amendments to permission 152277 (granted on 18/10/2016) to alter the size of two rooflights associated with omission of lightwells, add two further rooflights, remove two windows on the inward west facing elevation at the southern end of the site, altered photovoltaic panel locations at roof level and associated works. Granted 17/08/17.
- vi. 172182 - Discharge of condition 3 (materials) of planning permission 152277. Condition discharged 09/01/18.

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. 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, neighbour amenities, transport & highway safety or landscaping intentions (following the submission of more information and clarifications received during the course of the application - see Natural Environment officer comments section above for details). 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 overall context.
- ii. The proposals have also been considered within the context of the previous non-material amendments approved at the site in August 2017 (see 171052 in the relevant history section above). The effect of the proposed changes and those previously approved are that they are distinctly different elements, which individually and cumulatively are 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/documents. Furthermore, it shall only be read in the context of the substantive full permission (and previous NMA), and is bound by all the conditions and obligations attached to the substantive 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. Condition:

1. The drawings and information hereby approved as Non-Material Amendments to planning permission 152277, as granted on 18/10/2016, are as follows:

FC420-0-03 Rev S5 - Proposed Landscape Plan, as received 04/05/18

FC420-4-10 Rev A - Bowling Green Detail, as received 04/05/18

7786-01 Rev E - Landscape Proposals Dovedale Close Reading, as received 04/05/18

Arboricultural Method Statement, Tree Survey & Tree Protection Plan by SJ Stephens Associates Ref 540 dated 02/05/18, as received 04/05/18

Email from Archadia 'RE: 180429/NMA - Arthur Clarke Home, 1 Albert Road', dated and received 09/05/18

Reason: To clarify which plans are approved and in the interests of proper planning.

Informatives:

1. This permission relates only to the non-material amendments sought and described above and highlighted on the plans. Furthermore, it shall only be read in the context of the substantive planning permission granted on 18/10/2016 under reference number 152277, 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 application 171052 granted on 17/08/17) 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 agreed timeframes.