

DELEGATED APPLICATION REPORT

Ward: Norcot

App Ref: 240527/NMA

Address: Unit G, Reading Retail Park, Oxford Road, Reading

Proposals: Minor amendment of planning permission 231812

Case Officer: Mr Gary Miles

Applicant: CT UK Property Authorised Investment Fund

Date received (valid from): 23 April 2024 **Target Decision date:** 7 June 2024

1. Public Consultation

i. Neighbour Consultation

No statutory requirement for this type of application.

Internal Consultations

Environmental Protection Officer consulted for this type of application - no objection received.

2. Plans Considered

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

Approved plans at time of application

Application Form signed and dated 23rd April 2024

Supporting Letter AV/AC/TR/Q080375

Received by the Local Planning Authority on 24th April 2024

3. Relevant Planning History

231812/FUL - Alterations to existing retail unit (Class E) including alterations to car parking, new shopfront and associated works- Permitted March 2024

4. Proposed Amendments

Minor amendment of planning permission 231812

The application seeks to amend the wording of Condition 6 (Goods Restriction) and Condition 7 (Opening Hours)

Condition 6 is proposed to be amended to ensure that ambiguity is removed, ensuring that there is no doubt that Halfords' full project offer can be sold from the premises. The wording of the condition is proposed to be amended in the following way (new wording underlined):

"The use of the retail floorspace as defined by Class E(a) of the Town and Country Planning (Use Classes Order) 1987 (as amended), shall not include the sale of food items, nor the sale of clothing (except that related to motorcycling and cycling), fashion accessories, shoes (except those related to motorcycling and cycling), sporting goods (except those related to motorcycling and cycling), books (except those related to

motoring, motorcycling and cycling), stationery and toys, unless incidental to the primary retail activities undertaken therefrom”.

This application also seeks to amend the wording Condition 7 to allow one extra hour of trading in the morning. The condition is proposed to be amended in the following way (changes shown in bold):

*“The retail floorspace, as defined by Class E(a) of the Town & Country Planning (Use Classes Order) 1987 (as amended), shall not be open to the public outside the hours of **09 08:00** and 20:00 (Mondays to Saturdays inclusive, except Bank Holidays) and 10:00 and 18:00 (on Sundays) unless otherwise agreed in writing by the local planning authority.”*

This amendment is proposed to Condition 7 in order to enable Halfords to begin trading at 08.00 instead of 09.00 Monday to Saturday. These amended opening hours are in accordance with Halfords opening hours at their other stores across the country. The additional hour in the morning is still within the daytime period (as defined by the World Health Organisation) and would not therefore have any material impact on any nearby noise sensitive receptors. This amendment is also considered to be non-material in nature.

5. 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.

6. 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."

7. Relevant Policies

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

8. Appraisal

By the nature of the applicants business the proposed amendment will have very little impact and is therefore considered acceptable.

9. Conclusion

Overall, the proposed amendments are not considered to significantly harm the application site nor the neighbouring properties.

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.

10. Recommendation

Grant Non-material amendment

Conditions & Reasons:

1. The documents hereby approved as a Non-Material Amendment to original planning permission 231812 are as follows:

Application Form signed and dated 23rd April 2024

Supporting Letter AV/AC/TR/Q080375

Received by the Local Planning Authority on 24th April 2024

REASON: To clarify which documents are approved.

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 6th March 2024 under reference number 231812 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.