

DELEGATED PLANNING APPLICATION REPORT

Ward: Kentwood

App Ref: PL/24/1063

Address: 100 Oak Tree Road, Reading

Proposals: Application for a Non-Material Amendment Following a Grant of Planning Permission 230832 - Approval for work to be carried out in a construction exclusion zone. The area is in front garden and is an exclusion zone due to being close to a tree which is classified in the tree protection order

Case Officer: Sian Hickey

Date received (valid from): 16/08/2024

Decision date: 13/09/2024

SITE DESCRIPTION AND PROPOSAL

The application site is a two-storey detached dwelling located on Oak Tree Road, which comprises a variety of house styles, but mostly with pitched roofs and gable end features and a mixture of render and brick finishes. The property is not a listed building, nor does it fall within a conservation area. The surrounding area is predominantly residential.

Planning permission was granted under application reference 230832 for a proposed part single and part two-storey rear extension and first floor side extension/roof alteration.

The current proposal is to amend planning permission 230832 as works need to be carried out within a construction exclusion zone and root protection area of a protected tree to replace the water pipe supply. This is a deviation from the methods agreed in the approved Arboricultural Impact Assessment (condition 4), and written approval is required from the Local Planning Authority.

RELEVANT PLANNING HISTORY

230832 - Part single and part two-storey rear extension and first floor side extension/roof alteration. PERMITTED

CONSULTATIONS

External

Applications under S96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO.

Internal

Natural environment

Condition 4 of planning consent 230832 states the following:

4. Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Arboricultural Impact Assessment Ref. MW.2307.OTR.AIA, prepared by Mark Welby Consulting Arborists dated 13 July 2023. Any deviation

from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

The applicant is seeking agreement to carry out works within the CEZ and RPA of the protected Lime tree, that is not included within the approved AMS, in order to install a replacement water pipe from the front boundary to the property.

A document entitled '*Decision Notice and Arboricultural Impact Assessment*' has been provided to detail how the works will be carried out and is effectively an addendum to the approved AMS. Some pre-submission liaison with the applicant took place to result in an amended (version 2) of the document (received on 16 August) and which is deemed to be acceptable. This details how the work will be carried out, temporary changes in the tree protection and confirms the water pipe flexibility, hence the default for root retention unless truly unfeasible.

As such, I have no objections to the application subject to the following, amended wording for condition 4:

*4. Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Arboricultural Impact Assessment Ref. MW.2307.OTR.AIA, prepared by Mark Welby Consulting Arborists dated 13 July 2023 and '*Decision Notice and Arboricultural Impact Assessment*', V2 (received 16/08/24). Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.*

The applicant should be reminded of the need to comply and that a photographic record of the works would be prudent to be able to demonstrate compliance.

It is important that the contractors working on site are clear on the importance of following the arboricultural documents and they MUST seek advice if they are unsure how to proceed at any point.

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 POLICY AND 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.*"

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

APPRAISAL

An amendment is sought to the originally approved Arboricultural Method Statement so that works can be carried out within a construction exclusion zone and root protection area of a protected tree. There are no changes to any of the previously approved plans.

The amendment to the Arboricultural Method Statement is considered acceptable, as confirmed by the Natural Environment Team.

An informative is recommended which states that this permission relates only to the changes highlighted on the Arboricultural Method Statement. 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.

CONCLUSION

The changes as proposed are considered to be acceptable as non-material alterations to the approved scheme.

RECOMMENDATION

Approve non-material amendment subject to conditions. Although Section 96(A) of the Act does not allow for the original decision to be re-issued, it does allow the modification of, or imposition of, conditions. In this respect it is considered appropriate to modify condition 4:

Condition

Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the Arboricultural Impact Assessment Ref. MW.2307.OTR.AIA, prepared by Mark Welby Consulting Arborists dated 13 July 2023 and 'Decision Notice and Arboricultural Impact Assessment', V2 (received 16/08/24). 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 notice relates only to the changes to condition 4 (Arboricultural Method Statement) of the substantive planning permission (Ref: 230832). It shall be read in the context of the substantive planning permission 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.

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.