

DELEGATED APPLICATION REPORT

Address: Amethyst Lane, Reading, RG30 2EZ

Application No: PL/25/0079/NMA

Proposal: Non-Material Amendment to Application 23/0613 - (Demolition and redevelopment of the Amethyst Lane to deliver a new respite care facility alongside 17 new homes, landscaping and ancillary works) to amend Condition 16 (mechanical plant), Condition 19 (Validation Report) and Condition 30 (photovoltaics and heat pumps).

Applicant: Reading Borough Council

Date received (valid from): 14/10/2024

Target decision date: 27/02/2025

Case officer: Nathalie Weekes

1. Site Description and Surrounding Area

The site previously contained a vacant Day Centre facility consisting of two buildings at the northern end of Amethyst Lane which have been demolished. Permission was granted under 230613 for the demolition of the day care facility and redevelopment of the site at Amethyst Lane to deliver a new respite care facility alongside 17 new houses, soft and hard landscaping, parking and ancillary works. The site is located in a cul-de-sac accessed from Liebenrood Road.

The surrounding area is primarily residential, with a mixture of two and three storey houses and flats. Prospect Park is in close proximity to the site, within one minute walking distance. The site is allocated for residential use in the Local Plan under policy WR3n.

2. The Proposal

Non material amendments to planning permission 230613 granted on 15/03/2024 are proposed. More specifically, the proposal is to amend the wording of existing conditions in relation to contamination remediation proposed on site and in relation to the trigger for the discharge of conditions in relation to heat pumps on site and removal for the residential element to provide a noise assessment with reference to BS:4142. The request for the non material amendments changes has arisen due to logistical issues that have arisen following the commencement of works on site. Three replacement conditions are proposed with altered wording:

Heat pumps

Condition 16 – to exclude residential air pumps, however noise assessment information in accordance with BS4142:2014+A1:2019 methodology is still required for commercial air pumps.

Condition 30 – this condition is proposed to be split into 2 elements

a) for the residential accommodation

- i) Photovoltaics
- ii) heat pumps

b) and for the respite care facility.

- i) Photovoltaics
- ii) heat pumps

Requirements for the noise characteristics of the heat pumps will still be required by Condition 30 to be approved by the RBC Environmental protection team to meet required noise standards.

Contamination

Condition 19 – The trigger for the contamination remediation is proposed to be changed to be actioned to ‘prior to occupation of any part of the development’ rather than ‘before construction above foundation level’ due to arboricultural and landscaping works that will be required before contamination can be completed.

Contamination works are still required to be completed, the trigger point for when the works are required has been changed.

No changes are proposed to the development as proposed or to the original footprint.

Prior to the registration of the application a number of clarifications were sought and further information was provided to clarify the exact nature and extent of the proposed changes, to enable the application to be assessed in full.

3. Public Consultation

i. Neighbour Consultation

No statutory requirement for any for this type of application.

No responses received.

ii. Chair & Vice Chair of the Planning Application Committee and Southcote Ward Councillors

Not required following changes to the scheme of delegation in April 2020.

4. Internal / External Consultations

Internal consultations were made to the RBC Natural Environment team. Following consultation, there are no objections from any of the internal consultees.

5. Plans Considered

i. The Council, in reaching its recommendation, has taken into consideration the following documents and emails submitted by the applicant, together with the following plans:

Plans considered

24104/LT20250116 Covering letter – Non material amendment, Shrimplin, 17 January 2025

As received 17 January 2025

23/01/2024 08:50 Email to confirm no remediation is proposed beneath the buildings or areas of hardstanding and that the commencement of works on the buildings would not impact the implementation of the remediation scheme.

30/01/2025 09:21 Email from the agent in relation to Conditions 16, 19 and 30 to overcome logistical issues that have arisen following the commencement of works.

As received 30/01/2025

6. Relevant Planning History

230613 Demolition and redevelopment of the Amethyst Lane to deliver a new respite care facility alongside 17 new homes, landscaping and ancillary works.

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 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

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

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

10. Appraisal

i A number of changes are proposed as part of this application. It is therefore most appropriate to consider each in turn:

a) Alter the wording of condition 16 (mechanical plant)

The change to the wording is a relatively minor change which does not compromise the noise assessment requirements of the scheme and or change in footprint of the proposed development. The amendment is considered to simply represent a clarification of the type of plant that is required to have a BS4142:2014+A1:2019 methodology noise assessment, where further clarification was required following the commencement of development. Noise criteria and product specifications will still be required to satisfy the local council's requirements for residential heat pumps under amended condition 30. It is considered to be a non-material change and appropriate information has been submitted to evidence the requirements for the proposed change. The RBC Environmental Protection team have reviewed and approved the proposed changes

The changes include:

- *'including commercial air source heat pumps (excluding residential air source heat pumps)'* has been added to the original wording of the condition.

In practice, the wording of the condition will be altered as follows (elements omitted marked by a strikethrough; additions in **bold**):

16. No mechanical plant, **including commercial air source heat pumps (excluding residential air source heat pumps)** shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority. The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive facade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

b) Alter the wording of condition 30 (Photovoltaics and heat pumps)

The change to the wording is a relatively minor change which does not compromise the information required to be submitted in respect of residential heat pumps and commercial heat pumps, however it has split the residential and commercial elements into 2 different parts including Photovoltaics and heat pumps. Product specifications and noise standard requirements for heat pumps are still required to be met by each element of the scheme of the scheme. There is no change in footprint of the proposed development. The changes have been proposed due to logistical issues that have

arisen following the commencement of development, as can be expected on any scheme of this nature

In practice, the wording of the condition will be altered as follows (elements omitted marked by a strikethrough; additions in bold): Condition 30

No Photovoltaics and heat pumps shall be installed on site ~~development shall commence on site except for demolition and ground works~~ until full details of the Photovoltaics and heat pumps to be provided within the site have been submitted to and approved in writing by the Local Planning Authority **for:**

a. Residential accommodation development of the site

i) Photovoltaics

ii) heat pumps

b. Respite care facility development of the site

i) Photovoltaics

ii) heat pumps

These details shall include drawings showing the location and position of the Photovoltaics and heat pumps their dimensions, manufacturers' specifications, noise characteristics **which meet noise standards as approved by the local authority**, and ongoing maintenance arrangements. The approved Photovoltaics and heat pumps shall be installed in accordance with these approved details prior to first occupation of the building to which they relate and shall maintained as approved at all times thereafter.

REASON: These details are required due to insufficient information being contained within this submission and in order to incorporate measures to adapt to climate change in accordance with Policy CC3 **and safeguard the amenities of adjoining premises in accordance with policies CC8 and EN17** of the Reading Borough Local Plan 2019.

Condition 19

The change to the wording is a relatively minor change which does not compromise the requirement for the remediation scheme to be implemented, however it has altered the timing of when these works are required to have been undertaken. Due to conflicts that have arisen due to the requirement to complete arborcultural and landscaping preparations before the remedial works can commence, the works are being requested to be completed prior to occupation of the development. This will still ensure the same requirements are met to protect future occupants of the site. No remedial works are required prior to commencement of construction works to construction of the approved buildings. There is no change in footprint of the proposed development. The changes have been proposed due to logistical issues that have arisen following the commencement of development, as can be expected on any scheme of this nature

In practice, the wording of the condition will be altered as follows (elements omitted marked by a strikethrough; additions in **bold**):

Condition 19

19. The approved remediation scheme under Condition 18 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority ~~before construction above foundation level~~ **prior to occupation of any part of the development.**

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

Overall comments

In overall terms, officers are content that the proposed changes are acceptable, in themselves and collectively as part of the original application. In light of this being the first s96a application associated with the original application, there are no cumulative impacts to consider in this instance. The proposed changes will practically assist the development being implemented in full, with these changes relating to relatively minor components in the context of the scheme as a whole.

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, neighbour amenities, landscaping proposals, transport, highway safety, sustainability or ecological intentions or any other consideration, set within the context of the original permission. This is primarily owing to the context of the overall original scheme and the nature of the surrounding environment, with the proposed changes being of a relatively minor scale and nature in this specific context.

All changes proposed as part of this application are therefore considered to be appropriate by officers and suitable to progress through the non-material amendment procedure.

An informative is recommended which states that this agreed NMA relates only to the changes highlighted. It will also be acknowledged that the agreed NMA shall only be read in the context of the substantive full permission, 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

The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved original planning permission.

Recommendation

Grant Non-material amendments

REPLACEMENT CONDITION 16

16. No mechanical plant, **including commercial air source heat pumps (excluding residential air source heat pumps)** shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority. The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 30

30. No Photovoltaics and heat pumps shall be installed on site until full details of the Photovoltaics and heat pumps to be provided within the site have been submitted to and approved in writing by the Local Planning Authority **for:**

a. Residential accommodation development of the site

- i) Photovoltaics**
- ii) heat pumps**

b. Respite care facility development of the site

- i) Photovoltaics**
- ii) heat pumps**

These details shall include drawings showing the location and position of the Photovoltaics and heat pumps their dimensions, manufacturers' specifications, noise characteristics **which meet noise standards as approved by the local authority**, and ongoing maintenance arrangements. The approved Photovoltaics and heat pumps shall be installed in accordance with these approved details prior to first occupation of the building to which they relate and shall maintained as approved at all times thereafter.

REASON: These details are required due to insufficient information being contained within this submission and in order to incorporate measures to adapt to climate change in accordance with Policy CC3 **and safeguard the amenities of adjoining premises in accordance with policies CC8 and EN17** of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 19

19. The approved remediation scheme under Condition 18 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority **prior to occupation of any part of the development.**

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

INFORMATIVES

1. This permission relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 15/03/2024 under reference number 230613, 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.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine the application under the non-material amendment procedure.