

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242944
Site Address:	Lidl Great Britain Limited, Land west of Hollow Lane, South of Church Lane, Hyde End Road, Shinfield, Reading, RG7 1BJ
Expiry Date:	19 December 2024
Proposal: Application for non-material amendment to reserved matters approval 222656 to allow the repositioning of the security bollards at the front and side of the store.	

PLANNING HISTORY

Application No.	Description	Decision & Date
O/2010/1432	Outline application for a residential development of up to 1,200 dwellings, a further 150 units of specialist housing (including sheltered housing) for elderly persons, a local centre to include a foodstore (2, 500 sq.m), and other retail and office uses, a community building, proposed extension of existing primary schools, erection of a new primary school, public open space, sports pavilion, suitable alternative natural greenspace (SANG) and access and landscaping.	Allowed at appeal (Public Inquiry) – 8 November 2012
RM/2013/0946	Advance woodland planting along boundaries of greenspace	Approved 11 August 2014
NMT/2014/1837	NMA to O/2010/1432 to allow changes to affordable housing	Approved 23 October 2014
RM/2015/1375 (RM to O/2010/1432)	69 dwellings, access roads, garages, parking, open space and landscape treatment of Phase 1a	Approved 4 September 2015
VAR/2014/0624	Application to carry out the development as described and permitted under planning permission O/2010/1432; [for residential development of up to 1,200 dwellings, 150 units of specialist housing (including sheltered housing) for elderly persons, a local centre to include a foodstore (2,500 sq. m) and other retail and leisure uses, a community building; the proposed extension of existing primary schools, the erection of a new primary school, public open space, sports pavilion and suitable alternative natural greenspace (SANG) and access and landscaping, at Land West of	Approved - 23 October 2014

	Shinfield, West of Hyde Road and Hollow Lane and South of Church Lane, Shinfield, without complying with Condition 48.	
160183	Application for Reserved Matters submission in respect of the primary infrastructure phase including access roads, suds ponds, foul and surface water drainage and associated landscaping.	Approved - 15 April 2016
161189 (RM to O/2010/1432)	517 dwellings, access roads, garages, parking, open space and landscape treatment of Phase 1	Approved 21 July 2016
170035	Two form entry primary school, play areas, parking and attenuation pond	Approved 11 May 2017
171151 (RM to O/2010/1432)	Ridge SANG, SANG extension and Greenspace including remodelling	Approved 20 October 2017
172450 (RM to O/2010/1432)	473 dwellings, access roads, garages, parking, open space and landscape treatment for Phase 2	Approved 14 December 2017
180757	68 bed care home with parking and access	Approved 20 June 2018
180758	Care home with 80 extra care units with parking and access	Approved 20 June 2018
210672	Screening Opinion for 35 dwellings, 2500m2 food store, retail floorspace, roads, parking and open space	Replied 2 June 2021
211530	Reserved Matters application pursuant to Outline planning permission VAR/2014/0624) (a variation of O/2010/1432) for the erection of 25 dwellings, 134.5 sqm of Use Classes A1-A5 floorspace including access roads, parking spaces, open space and landscape treatment. (Access, Appearance, Landscaping, Layout and Scale to be considered)	Approved 14 October 2021
222654	Application for non-material amendment to planning consent VAR/2014/0624 to allow amendment to the wording of Condition 25 so that any Noise Mitigation required as part of the Foodstore Reserved Matters application will be undertaken in the Foodstore phase of development and submitted to the Council and considered as part of the Foodstore reserved matters application.	Approved 5 October 2022
222655	Application for non-material amendment to planning consent VAR/2014/0624 to allow Amend the wording of condition 63 to move the permitted delivery period of the Foodstore to 0700 - 2300 Monday to Sunday.	Approved 5 October 2022
222656	Reserved Matters application pursuant to Outline planning permission VAR/2014/0624 (a variation of O/2010/1432) for the erection of a foodstore with associated landscaping, parking and servicing. Details of layout, scale, external appearance of buildings, and landscaping to be	Approved 2 December 2022

	considered.	
222657	Application for advertisement consent for 1No internally illuminated flag pole double-sided sign. 30/09/2022 to 30/09/2027	Approved 5 December 2022
222658	Application for submission of details to comply with the following condition of planning consent VAR/2014/0624 dated 23/10/2014. Condition 2 Phasing master plan part discharge 4a Local Centre Development Area Design Brief Addendum.	Approved 30 November 2022
223333	Application for approval of Reserved Matters pursuant to Outline Planning Consent O/2010/1432 (as varied by VAR/2014/0624 (141016), dated 23/10/2014). The Reserved Matters comprise the erection of 7 no. dwellings, parking spaces, open space and landscape treatment. (Appearance, landscaping, layout and scale to be considered.)	Approved 29 February 2024
241200	Application for non-material amendment to planning consent 222656 to allow changes to condition 2 finished planned levels.	Approved 22 May 2024
241810	Application for non-material amendment to planning consent 222656 to allow changes to retaining walls and boundary treatments.	Approved 29 July 2024

APPRAISAL

Is the proposed change non-material?

Yes	☒
No	☐

Site Description:

The application site is located in the South of the M4 SDL within the settlement boundary (major development area) at the heart of Shinfield as shown below:



Figure 1 – Shinfield Village Centre in Context

More locally, the relationship with the site and surrounding area is shown below. It is located to the north of School Green which is the focal point of the village centre adjacent to the Shinfield Parish Council facilities.



Figure 2 - Application site in context of the surrounding area

Non-Material Amendments:

The Court of Appeal, in *R (on the Application Of Fulford Parish Council) v City of York Council* [2019] EWCA Civ 1359, has confirmed that the statutory power under section 96A of the Town and Country Planning Act 1990 to make non-material changes to a planning permission can be used to make non-material changes to conditional reserved matters approvals.

Section 96A (3a + 3b) confers the power to make non-material amendments to existing planning conditions or adding new planning conditions, subject to them being non-material. This should be read in conjunction with the provision of Condition 2 of the Reserved Matters approval (222656).

There is no government definition of what is considered to be 'material'. This is a matter for the LPA's consideration as per Section 96A (1,2) of the Town and Country Planning Act (as amended). This is bolstered by the National Planning Practice

Guidance which states *“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.”*

The amendment to site levels does not seek to increase the size of the development, does not materially impact highway safety, does not materially impact on site drainage or landscaping and is therefore appropriate to be considered under a S96 application.

Proposal Description:

Condition 2 (approved plans) pertaining to reserved matters approval 222656 records the ‘Approved Details’. This was varied by NMA application 241200 to alter the levels and finished floor levels on site and later varied under 242810 to vary the footpath railings and to add additional retaining walls.

The applicant proposes the installation of additional bollards facing the store to improve security on site as shown within submitted plans:

- Proposed Site Plan – drawing AD_110 Rev F
- Proposed Boundary Treatments – drawing AD_114 Rev G
- Proposed Site Finishes – drawing AD_115 Rev J
- Proposed Levels – drawing SD_600 Rev H

Materiality:

The proposed additional security bollards do not involve any change to the approved layout and only respond to the store’s need for additional security measures to prevent ram-raids. The relationship of the store and car park to neighbouring development would not be materially different to what has been approved notwithstanding the level change between the local centre and foodstore. They would have no material impact on the character of the area given their subservient scale and limited height.

Whilst it is noted that the bollards would appear within the route of the Public Right of Way Shinfield FP11, further to discussion with WBC PRoW, as a 1.25 metre gap is retained, this will not hamper usability of the footpath for wheelchair and/or pushchair users.

In terms of neighbouring amenities, the amended boundary treatments and retaining walls would not give rise to detrimental overbearing, overlooking or overshadowing impacts, nor would stand contrary to the recommendations within the Borough Design Guide SPD.

Conclusion:

With the above in mind, the proposed changes to add security bollards do not constitute a material change to the scheme and therefore are acceptable under this

S96A application.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Recommendation:	Approve – the change is non-material.
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Date:	10 December 2024
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Recommendation agreed by: (Authorised Officer)	
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Date:	10/12/24
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