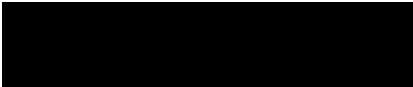


JOB002001/CB/TC
Wokingham Borough Council
Development Management
Civic Offices, Shute End
Wokingham
RG40 1BN


10 June 2025

Dear Sir / Madam,

FORMER DOBBIES GARDEN CENTRE, 166 HYDE END ROAD, SHINFIELD, READING**APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO VARY THE WORDING OF CONDITION 2 ATTACHED TO PLANNING PERMISSION REFERENCE 212717****PLANNING PORTAL REFERENCE: PP-14086631**

On behalf of our client, LXI Property Holdings 4 Limited (*'the Applicant'*), we submit an application under Section 96A of the Town and Country Planning Act 1990 (as amended), to vary the wording of Condition 2 attached to planning permission reference 212717, to include the details of the proposed phasing of the redevelopment Dobbies Garden Centre, 166 Hyde End Road, Shinfield, Reading (*'the Site'*). The non-material amendment aligns with Condition 38 (Phasing) and proposes the inclusion of the Proposed Phasing Plan in the list of approved drawings at Condition 2.

The application is comprised of the following information:

- Covering letter (i.e. this letter), prepared by Montagu Evans;
- Application form and ownership notification; and
- Proposed Phasing Plan, drawing reference 11809.L.003 B

This application has been submitted via the Planning Portal (PP-14086631). The fee of £378.00 (including the Planning Portal's £85.00 administration charge) has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (Statutory Instrument No. 2920) (as amended) and has been paid using the online payment portal.

The new owners, LXI Property Holdings 4 Limited and new occupiers, British Garden Centres, are looking to carry out works to implement the planning permission in June.

Legislative Context

Section 96A of the Town and Country Planning Act 1990 (as amended) provides an appropriate mechanism to make non-material amendments to planning permissions. S96A(1) states:

"(1) a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material."

Planning Practice Guidance confirms that there is no statutory definition of what constitutes a material change, as it depends on the specifics of the scheme (Reference ID: 17a-002-20140306). When considering the case, Section 96A(2) outlines that:

“(2) 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”.

Further, and as set out in S96A(3), the power to make changes to a planning permission extends to ‘remove or alter’ existing planning conditions:

“(3) The power conferred by subsection (1) includes power- (a) to impose new conditions; (b) to remove or alter existing conditions.”

Primary legislation is therefore clear that if the determining authority is content that the effect of the proposed change is non-material, a planning permission can be amended, existing planning conditions altered and new conditions imposed under Section 96A of the Act.

The proposed variations to Condition 2 to include the Proposed Phasing Plan is considered to be non-material in their nature and can be determined under S96A.

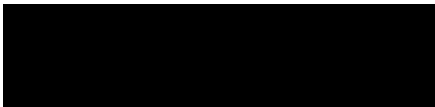
Proposed Non-Material Amendment

This Non-Material Amendment application seeks to alter the wording of Condition 2 to include the Proposed Phasing Plan in the list of approved drawings. The proposed phasing allows for the existing garden centre to continue to trade through the construction of the new one, such that the operator has continuity trade.

Administrative Matters

If you require further information, please do not hesitate to contact Craig Blatchford (craig.blatchford@montagu-evans.co.uk / 07984 458485) or Tommy Cooney (tommy.cooney@montagu-evans.co.uk / 07386 956518) at this office.

Yours sincerely,



MONTAGU EVANS LLP

Encs.

