

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 230895/NMA

Address: Jacksons Corner, 1-9 Kings Road, Reading, RG1 3AS

Proposals: Amend wording of Condition 26 (BREEAM) to reduce the BREEAM points requirement of 62.5 for all the units to a score requirement of Very Good (55).

Case Officer: Marcie Rejwerska

Date received (valid from): 26 June 2023 Target Decision date: 24 July 2023

1. SITE DESCRIPTION

The application site comprises the upper floors of Jackson's Corner at 1-9 Kings Road in the Reading town centre. Full planning permission for conversion of the upper floors to 18 residential units was obtained in 2017 (app ref. 160849), and subsequent amended wording to condition 26 was granted in 2020 (app ref. 200963).

The surrounding area is predominately commercial. The site is within the Market Place/London Street conservation area but is not listed. The site is also within the Air Quality Management Area.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal comprises amendment to the wording of Condition 26 (BREEAM) to reduce the BREEAM points requirement of 62.5 for all the units to a score requirement of Very Good (55).

The applicant has submitted justification for this reduction, detailing the constraints on site which led to a reduced score.

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

Letter "RE: Jackson's Corner refurbished dwellings - Explanation of BREEAM Score Achieved" [Louise F. Wille, XCO2], dated 20 April 2023, received 26 June 2023

BREEAM Final Certificate ref. BREEAM-0087-2036 Issue 1 for Units 1-6, 8-13, 18-23, dated 20 March 2023, received 26 June 2023

3. RELEVANT PLANNING HISTORY

141713 - Preservation of frontage building 1-9, Kings Road, retention of commercial space on the ground floor and basement levels, conversion of upper areas to 18 residential units. Demolition of commercial ancillary accommodation to rear and construction of new residential block of 11 units. Creation of central courtyard. (Amended description). - Application permitted subject to Legal Agreement (Committee decision)

160849 - Preservation of building frontage to 1-9 Kings Road (incl. insertion of 3no. new windows); retention and enlargement of commercial space (ground floor and basement levels) and conversion of upper floors to 18 residential units. Demolition of commercial ancillary accommodation to rear and construction of new six storey residential block of 15

units plus creation of central courtyard. - Application permitted subject to Legal Agreement (Committee decision)

170759 - Application for approval of details reserved by condition 14 (archaeological scheme of investigation) of planning permission 160849. - Condition not discharged

170828 - Application for variation of conditions 10, 12, 13, 15, 16, 18, 19 and 21 to allow earlier demolition works following grant of planning permission (160849). - Application permitted (Committee decision)

171096 - Discharge of condition 22 of planning permission 160849 - Condition discharged

171238 - Preservation of the building frontage to 1-9 King's Road (insertion of 3 new windows); retention and enlargement of commercial space (ground floor and basement levels) and conversion of upper floors to 18 residential units. Demolition of commercial ancillary accommodation to rear and construction of new 5 storey residential block of 15 units plus creation of central courtyard, as permitted by application 160849 but without complying with conditions 2, 15, 18, 23, 25, and 27, incorporating minor internal layout and external changes to the approved scheme. - Application permitted (Committee decision)

180596 - Application for approval of details reserved by condition nos. 14 (archaeology), 16 & 17 (noise) and 22 (heritage) of planning permission ref. 170828 - Conditions discharged

180597 - Application for approval of details reserved by condition nos. 14 (archaeology), 15 (windows) and 16, 17 & 18 (noise) of planning permission ref. 171238 - Conditions discharged

181129 - Application for approval of details reserved by condition nos. 13 (Ecological Enhancements) and 21 (Material Samples) of planning permission ref. 171238 - Conditions discharged

181268 - Application for approval of details under condition 12 (boundary treatments) of planning permission 171238 - Condition discharged

181341 - Application to discharge condition no. 10 (Soft & hard landscaping strategy) of planning permission 171238 - Condition discharged

181678 - Non-material amendment to planning consent 171238 to amend wording of planning condition 19 (odour assessment) - NMA Agreed

200396 - Approval of details reserved by conditions 7 (Postal Addresses) and 11 (Landscape Management Plan) of planning permission ref. 171238 - Conditions discharged

200768 - Application for approval of details reserved by condition 5 (cycle store) of planning permission ref. 171238 - Condition discharged

200963 - Non-Material Amendment to conditions 25, 26 and 27 (Sustainability) of planning permission 171238 to allow for submission of certificate within 6 months of occupation - NMA Agreed

201836 - Application for approval of details reserved by conditions 9 and 19 of application 171238 - Conditions discharged

210334 - Non-Material amendment to planning permission 171238 for removal of condition 27 (Lifetime Homes Standard) - NMA Agreed

4. CONSULTATIONS

Non-statutory:

None consulted.

Public:

No statutory requirement for any for this type of application.

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.

5. RELEVANT PLANNING GUIDANCE AND POLICIES

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

In the context of the permitted scheme it is not considered that the amendment would have any material impact on the overall design or neighbour amenities. The final BREEAM certificates submitted have achieved an overall rating of Very Good which is the minimum requirement of the original conditions, and as outlined in the Reading Borough Local Plan 2019. In the context of justification for areas where points were lost, it is not considered that these could be obtained at this point and therefore the amendment to the wording of condition 26 is agreed.

An informative is recommended which states that this permission relates only to the change of condition 26. 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

Overall, the proposed amendment is not considered to significantly harm the application site nor the adjoining 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.

RECOMMENDATION
GRANT NON-MATERIAL AMENDMENT
Conditions & Reasons:

1. Condition 26 is amended as follows:

Within 6 months of first occupation of any new dwelling hereby permitted within the existing building to be converted a final BREEAM Domestic Refurbishment certificate shall be submitted to and approved in writing by the Local Planning Authority demonstrating that at least 50% of the dwellings comply with the 'Excellent' standard with the remainder achieving 'Very Good'; or that all units achieve 'Very Good' with a minimum score of 55 points.

Reason: To ensure that the development contributes adequately towards environmental sustainability in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2005).

Informatives:

1. This notice relates only to the changes to condition 26 of the substantive planning permission ref: 171238. 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.

3. Positive and Proactive - Approval