

DELEGATED APPLICATION REPORT

Address: 114-116 School Road

Application No: 230026/NMA

Proposal: Non-Material amendment to planning permission 220086 to increase the parking from 2 to 3 bays, relocation of the front door to the apartments, remove the stall risers to the retail unit, opening of the Tax window on the School Road elevation and an additional velux roof light to Apartment 4 on the Downing Road elevation

Target Decision Date: 15/02/23

Case officer: Connie Davis

Site Description and Surrounding Area

The application site relates to a portion of land on the corner of School Road and Downing Road, Tilehurst. The area was fenced off from the highway and incorporated large billboards. A private footpath ran through the site, which previously had been used by members of the public before it was sectioned off. The surrounding area is a mixture of uses, mainly commercial (retail), residential (in Downing Road), with a Park Lane Primary School and the Prince of Wales pub on the opposite side of School Road. The site is within the Tilehurst Triangle District Centre, as defined in Policy RL1 of the Reading Borough Local Plan, but not on a key frontage of the District Centre.

Downing Road is a designated 'School Street' which means the road closes at certain times of the day for the benefit of the uses of Park Lane Primary School.

Proposal

Planning permission was granted under reference 220086 for the construction of a retail unit with 4 residential units above. Under this NMA, the following changes are proposed:

- Increase in parking spaces from 2 to 3
- Relocation of front door, and as a result, losing a portion of front landscaping
- Opening of a 'tax' window
- Introduction of roof light
- Removal of stall risers to retail unit

Prior to this, application 211276 was refused due to concerns over design, owing to the expansive undercroft, lack of landscaping (at the front of the site). This was appealed and allowed. As such, the applicant has two permissions for the development.

It should be noted that this NMA is retrospective.



Application 220086 (approved)



PROPOSED 'DOWNING ROAD' ELEVATION



PROPOSED 'SCHOOL ROAD' ELEVATION

Application 211276 (allowed at appeal)



Elevations submitted under this NMA

Public Consultation

i. Neighbour Consultation

No statutory requirement for any for this type of application. However, one comment was received stating that any further construction should be carefully thought out by the Council and that the development should be finished as quickly as possible.

Officer comment: NMA applications can only assess whether the amendments proposed are material in nature. It cannot control or change any other aspects of the original planning permission

Consultations

Transport - No objections

Natural Environment - No comments received

Plans Considered

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

Approved plans at time of application

21-J3733-01 Rev F - Proposed Site Layout
21-J3733-02 Rev D - Proposed Floorplans
21-J3733-03 Rev D - Proposed Elevations
21-J3733-04 Rev D - Proposed Street Scenes

Received 17th May 2022

21-J3733-LP01 - Location Plan

Received 24th January 2022

Proposed plans/ documents as part of this application

C.02 N - Proposed Ground Floor Plan
C.03 H - Proposed First Floor Plan
C.04 G - Proposed Second Floor Plan
C.06 E - Proposed Front Elevation (South West)
C.07 B - Proposed Rear elevation (North East)
C.08 C - Proposed Side Elevation (South East)
C.09 C - Proposed Side Elevation (North West)

Received 18th January 2023

Relevant Planning History

220086/FUL - Erection of building to provide ground floor retail unit with 4 no. residential flats above - Application Permitted

211276/FUL - Erection of building to provide ground floor retail unit (Class E) with 4 residential flats above (Class C3) - Application Refused but allowed at appeal

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 Guidance

- i. 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."*

Relevant Policies

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

Appraisal

The proposal seeks the following changes to application

- Increase in parking spaces from 2 to 3
- Relocation of front door, and as a result, losing a portion of front landscaping
- Opening of a ‘tax’ window
- Introduction of roof light
- Removal of stall risers to retail unit

When assessing whether or not the changes are ‘non-material’, Officers consider that the appeal scheme is a material consideration given the permission has not expired.

Increase in parking spaces from 2 to 3

Under the appeal scheme, 4 parking spaces could be provided. As such, whilst this NMA seeks an increase in parking from 2 to 3 spaces, it is a reduction in the number allowed at appeal and therefore is not considered a material change in the context of the permissions. Furthermore, the increase in parking spaces would be beneficial in parking terms given the surrounding roads are unrestricted. This will provide an additional, off-road parking space.

Changes to fenestration - opening of tax window (on School Road elevation) and introduction of a rooflight

The changes to fenestration are considered minor in scale and would not result in harmful impacts in terms of design and neighbouring amenity.

Removal of stall risers to retail unit

Whilst regrettable these are to be removed, the appeal scheme did not incorporate stall risers. As such, given there is a permission for the development that did not incorporate this feature, it is not considered reasonable to resist this NMA on this basis.

Relocation of front door, and as a result, losing a portion of front landscaping

Under both the permissions, the front door to the residential units was located under the undercroft. This NMA seeks to bring the door forwards, flush with the side elevation. As a result a window for the retail unit (facing Downing Road) will be lost, as well as a portion of landscaping. Whilst this would result in a change to the design, this is not considered so substantial to warrant not agreeing the change. The window would be replaced with a

door which is considered acceptable. Furthermore, the appeal scheme was allowed with no front landscaping, so its reduction is not considered a basis for not agreeing the change either.

In the context of the two permitted schemes, it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom or neighbour amenities. This is primarily owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale when considering both approved schemes at the site.

An informative is recommended which states that this permission relates only to the changes highlighted on the plans. Furthermore, it shall only be read in the context of the substantive permission and is bound by all conditions attached to that permission.

Recommendation

Grant Non-material amendment

Conditions & Reasons:

1. The drawings hereby approved as a Non-material Amendment to reserved matters approval 220086 are as follows:

Drawing No.

C.02 N - Proposed Ground Floor Plan
C.03 H - Proposed First Floor Plan
C.04 G - Proposed Second Floor Plan
C.06 E - Proposed Front Elevation (South West)
C.07 B - Proposed Rear elevation (North East)
C.08 C - Proposed Side Elevation (South East)
C.09 C - Proposed Side Elevation (North West)

Received 18th January 2023

Reason: To clarify which plans are approved.

Informatives:

1. This notice relates only to the changes to condition 2 of planning permission (Ref: 220086). It shall be read in the context of the approval and is bound by all the conditions and obligations attached to that approval. That approval 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.