

DELEGATED APPLICATION REPORT

Address: 55 Vastern Road, Reading, RG1 8BU

Application No: 230150/NMA

Proposal: Non-material amendments to planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022, to alter the wording of condition 42 (DDA compliant pedestrian route to and from the accessible parking bays details) to enable a phased approach to the timing and delivery of the disabled parking spaces and the pedestrian routes accessing them.

Applicant: Berkeley Homes

Date received: 08/02/2023

Date valid from: 08/02/2023

Target Decision date: 08/03/2023

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. The application site measures 0.76 ha and is part of an allocated site in the Reading Borough Local Plan 2019 (Site CR11g - Riverside) for residential redevelopment and leisure uses.
- ii. The application site, as existing, is mainly hard-surfaced open car-parking, which serves the part-two, part-three storey office building, most recently occupied by Southern & Scottish Electricity Networks (SSE). The buildings front onto Vastern Road, with vehicular access from Lynmouth Road. The entrance building is designated (as of 22/05/2017) on the RBC List of Locally Important Buildings. There are also two energy storage systems within the application site. One is next to the building and adjacent to the vehicular access off Lynmouth Road. The other is in the north-west corner of the site, as part of a grassed area in this area of the site.
- iii. The site is unusual in shape and is most easily described as akin to a dumbbell.
- iv. Immediately to the north of the site is the southern bank of the River Thames, which is a public right of way. Christchurch Bridge provides a pedestrian and cyclist link to the north side of the river and Christchurch Meadows at this point. To the east of the application site is the remaining Southern & Scottish Electricity transfer station, which serves Reading. Beyond this are the 4-storey Thames Court (Norman Place) residential flats, which front onto the river, and the predominantly 3-storey (and roofspace) Sovereign House office building, which fronts onto Vastern Road.
- v. To the south of the site is Vastern Road, which forms the northern element of the town's Inner Distribution Road (IDR). Beyond this is Vastern Court Retail Park and associated buildings leading to Reading Station. To the west of the site are the 2-storey terraced properties of Lynmouth Road, with the 3-storey Lynmouth Court properties closest to the river. No's 1-6 Lynmouth Court front onto the river, with No's 7-12 a continuation of the Lynmouth Road terrace and parking spaces between the two blocks.
- vi. As already mentioned, the site is part of Policy CR11g sub-area allocation. Accordingly, the site is also within the designated wider CR11 Station/River Major Opportunity Area. This overarching element of this policy specifies a vision and a set of principles which apply to all sites within the major opportunity area, stating as follows:

Station/River Major Opportunity Area

VISION: The station/river area will be a flagship scheme, extending the centre and providing a mixed use destination in itself and centred on the new station and public transport interchange. It will integrate the transport links and areas northwards towards the River Thames and into the heart of the centre.

CR11: STATION/RIVER MAJOR OPPORTUNITY AREA

Development in the Station/River Major Opportunity Area will:

- i) *Contribute towards providing a high-density mix of uses to create a destination in itself and capitalise on its role as one of the most accessible locations in the south east. Development for education will be an acceptable part of the mix;*
- ii) *Help facilitate greater pedestrian and cycle permeability, particularly on the key movement corridors. North-south links through the area centred on the new station, including across the IDR, are of particular importance;*
- iii) *Provide developments that front onto and provide visual interest to existing and future pedestrian routes and open spaces;*
- iv) *Safeguard land which is needed for mass rapid transit routes and stops;*
- v) *Provide additional areas of open space where possible, with green infrastructure, including a direct landscaped link between the station and the River Thames;*
- vi) *Give careful consideration to the areas of transition to low and medium density residential and conserve and, where possible, enhance listed buildings, conservation areas and historic gardens and their settings;*
- vii) *Give careful consideration to the archaeological potential of the area and be supported by appropriate archaeological assessment which should inform the development;*
- viii) *Demonstrate that it is part of a comprehensive approach to its sub-area, which does not prevent neighbouring sites from fulfilling the aspirations of this policy, and which contributes towards the provision of policy requirements that benefit the whole area, such as open space; and*
- ix) *Give early consideration to the potential impact on water and wastewater infrastructure in conjunction with Thames Water, and make provision for upgrades where required.*

- vii. More specifically in relation to the application site, this forms the western part of the Riverside sub-area, with the sub-area policy stating in full:

CR11g, RIVERSIDE:

Development should maintain and enhance public access along and to the Thames, and should be set back at least ten metres from the top of the bank of the river. Development should continue the high quality route including a green link from the north of the station to the Christchurch Bridge, with potential for an area of open space at the riverside. The main use of the site should be residential, although some small-scale leisure and complementary offices will also be acceptable. Development should take account of mitigation required as a result of a Flood Risk Assessment.

Site size: 1.24 ha

Indicative potential: 250-370 dwellings, 1,000-2,000 sq m of leisure, no significant net gain in offices.

- viii. These characteristics and requirements are all reflected within the Station/River Major Opportunity Area Strategy, as specified at figure 5.3 of the Local Plan.



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Figure 5.3: Station/River Major Opportunity Area Strategy

ix. In addition to the site allocation and local listing described above, there are also a number of other site constraints / designations / nearby designations:

- Within the Office Core
- Within the Central Core
- Within Flood Zone 2 & 3
- Within an air quality management area
- Within a smoke control zone
- Includes contaminated land
- Adjacent to a public right of way along the river
- The River Thames, Christchurch Meadows, Kings Meadows and Hills Meadow are major landscape features
- Christchurch Meadows, Kings Meadows and Hills Meadow are important areas of open space
- From an ecological perspective the site backs on to the River Thames which constitutes a Priority Habitat 'Rivers' (as per the NPPF)
- The River Thames is an existing green link

- There are mature Plane trees on the Vastern Road frontage
- Neighbouring Lynmouth Road is a nearby sensitive location - low-rise residential
- Within the North of the Station cluster identified in the Sustainable Design and Construction SPD as being potentially suitable for heat network schemes.

2. The Proposals

- i. Non-material amendments to permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022 are sought. More specifically, these seek to alter the wording of condition 42 (DDA compliant pedestrian route to and from the accessible parking bays details) to enable a phased approach to the timing and delivery of the disabled parking spaces and the pedestrian routes accessing them.
- ii. In seeking to explain and justify the proposals the applicant has submitted a supporting letter with the originally worded condition and its proposed changes.
- iii. In addition, prior to the submission of this application, informal advice was sought by the applicant in conjunction with the separate consideration of approval of details applications at the site. Those discussions resulted in the submission of this application.

Public Consultation

- iv. Neighbour Consultation

No statutory requirement for any for this type of application. No responses received.

- v. Chair & Vice Chair of the Planning Application Committee and Ward Councillors

Following changes to the scheme of delegation in April 2020 councillors are no longer required to notified via email of non-material amendment applications.

No responses received.

3. Internal / External Consultations

RBC Transport - the Highway Authority have no objections.

4. Plans Considered

- i. The applicant has submitted the following for consideration:

Supporting letter from Berkeley Homes Ref L.448.007.EE dated 08/02/2023
Site Location Plan S106 Boundary - 448.PL.SL.001 Rev B

5. Relevant Planning History

- i. 200188 - Demolition of existing structures and erection of a series of buildings ranging in height from 1 to 11 storeys, including residential dwellings (C3 use class) and retail floorspace (A3 use class), together with a new north-south pedestrian link, connecting Christchurch Bridge to Vastern Road. Refused 09/04/2021. Allowed at appeal (Ref APP/E0345/W/21/3276463) 17/03/2022.
- ii. 221104/APPCON - Discharge of condition 10a (land gas site investigation) of planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022. Discharged 14/09/2022.

- iii. Partial discharge of condition 11 (archaeological evaluation) of planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022. Discharged 08/12/2022.
- iv. 221126/APPCON - Discharge of conditions 22 (recording of lodge building), 31 (Arboricultural Method Statement and Tree Protection Plan) & 46 (CEMP: Biodiversity) of planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022. Discharged 26/09/2022.
- v. 221135/APPCON - Discharge of condition 4 (Demolition and Construction Method Statement) of planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022. Current application under consideration.
- vi. 221858/APPCON - Discharge of condition 10b (land gas remediation scheme) of planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022. Discharged 20/02/2023.
- vii. 230032/APPCON - Discharge of condition 42 (DDA compliant pedestrian route to and from the accessible parking bays details) of planning permission 200188, as allowed on appeal (Ref: APP/E0345/W/21/3276463) on 17/03/2022. Current application under consideration.

6. 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.

7. 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."*

8. Relevant Policies

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

9. Appraisal

- i. It is proposed to alter the wording of condition 42 from:

"No development (barring demolition) shall commence on site until a plan showing a dedicated DDA compliant pedestrian route to and from the accessible parking bays located along the west of the spine road is submitted to and been approved in writing by the Local Planning Authority. This pedestrian route shall be provided in full accordance with the approved details prior to first occupation and thereafter kept free of obstruction and retained in accordance with the approved details at all times"

- ii. To:

No development (barring demolition) shall commence on site until a plan showing a dedicated DDA compliant pedestrian route to and from the accessible parking bays located along the west of the spine road is submitted to and been approved in writing by the Local Planning Authority. The relevant pedestrian route (a) serving Blocks A,B,C; b) serving Blocks D,E,F,G,Café) shall be provided in full accordance with the approved details prior to first occupation of the relevant block (a) serving Blocks A,B,C; b) serving Blocks D,E,F,G,Café) and thereafter kept free of obstruction and retained in accordance with the approved details at all times.

- iii. This is a result of discussions as part of the on-going assessment of separate application 230042/APPCON (discharge of condition 42 - see relevant history above), where the condition in question is clear that the pedestrian route to the parking bays must be provided prior to first occupation (of any dwelling), whereas the applicant's intention is to provide them in different stages of the now proposed build programme (as separately under consideration as part of application 221135 - see relevant history above). The proposed changes to the wording of the condition would therefore enable greater flexibility and result in the condition being able to be complied with in practice, whereas at the moment the principle of these bays being provided within different stages of the build programme does not comply with the wording of the planning condition.
- iv. Officers consider that these changes (as described and explained in the proposals section above) can be made through the non-material amendment procedure. More specifically, it is not considered that the changes to the wording of the condition reduce the level or nature of information the applicant will be required to provide in the future; instead it offers more flexibility, which has only arisen at this juncture as the practicalities of the build programme have been further advanced. There is no dilution of the information required or the level of provision in overall terms. Neither is it considered that the changes would have any material impact on the overall design idiom, neighbour amenities, or any other intentions of the scheme.
- v. This conclusion is also reached owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed changes being considered (both individually and cumulatively) of an inherently minor scale and nature in this overall wider context.
 - i. Officers are also mindful that the Planning Practice Guidance outlines that cumulative impacts should be taken into account in s96a applications and, therefore, there would be a future tipping point in such regards. This is the first/only NMA in relation to this development, meaning there are no cumulative impacts to take into account in this instance.
 - ii. An informative is recommended which states that this permission relates only to the changes specified in the wording of the condition, as submitted. Furthermore, each case 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, allowed on appeal, planning permission.

10. Conclusion

- i. The local planning authority is satisfied that the changes proposed do not constitute material changes to the approved planning permission.

Recommendations

Grant Non-material amendment to the wording of condition 42.

REPLACEMENT CONDITION 42

No development (barring demolition) shall commence on site until a plan showing a dedicated DDA compliant pedestrian route to and from the accessible parking bays located along the west of the spine road is submitted to and been approved in writing by the Local Planning Authority. The relevant pedestrian route (a) serving Blocks A,B,C; b) serving Blocks D,E,F,G,Café) shall be provided in full accordance with the approved details prior to first occupation of the relevant block (a) serving Blocks A,B,C; b) serving Blocks D,E,F,G,Café) and thereafter kept free of obstruction and retained in accordance with the approved details at all times.

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, as allowed on appeal on 17/03/2022 under reference number 200188 / APP/E0345/W/21/3276463, and is bound by all the conditions and obligations attached to that allowed on appeal 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 allowed on appeal planning permission.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within the recommended timeframes.