

DELEGATED APPLICATION REPORT

Address: 115 Chatham Street, Reading

Application No: 221560/NMA

Proposal: Non-material amendments to permission 210349 (granted on 17/12/21) -

To alter the trigger point for submission/approval of conditions 10 (Secured by Design Award) and 14 (Remediation Validation Report) from pre-commencement of any development (barring demolition and preparatory works) to prior to first occupation of the development hereby approved.

Target Decision date: Originally 31/1/2023 EOT agreed until 29/3/2023

Case officer: Ethne Humphreys

1. Site Description and Surrounding Area

- 1.1 The application site was described as follows in the officer committee report as part of application 210349:
- 1.2 The site for which this application relates is 0.42 hectares and fronts north onto Chatham Street and south on to Eaton Place. The site is occupied by two buildings and a large proportion of the site is given over to car parking. The first of the two buildings, an uninspiring two-storey office building, fronts directly onto Chatham Street. The second building, an older two-storey converted warehouse, is located to the rear of the office building and is largely obscured by the insensitive siting of the first building. At present, the remainder of the site is entirely covered by hardstanding.
- 1.3 The site is located within close vicinity to Reading town centre providing easy access to local amenities and is within short walking distance of two railway stations. The immediate area is characterised by a mix of large-scale modern residential developments (Chatham Place/Square, Weldale Street), traditional small scale retail (along Oxford Road), dated office and commercial uses (Eaton Place and Eaton Court), and finally a range of community uses such as the Chatham Street Surgery, The Butler PH, The Face Bar, The Reading Irish Centre and Church of the Holy Trinity, Oxford Road. Both Oxford Road and Chatham Street are busy arterial routes connecting West Reading with the IDR and across into the Town Centre. This gives the area a strong urban neighbourhood/town centre character as defined by the National Model Design Code (2021).
- 1.4 With reference to the adopted Local Plan, the application site is within the 'West Side Major Opportunity Area', and specifically within a site allocation known as 'CR12c'. CR12 includes Chatham Street, Eaton Place and parts of Oxford Road.
- 1.5 The site is not located within a Conservation Area, although the northern boundary of the Castle Hill/Russell Street/Oxford Road Conservation Area is located approximately 50 metres to the south. However, there are a number of listed buildings adjoining the site. These consist of the Grade II listed Butler PH directly adjacent to the site to the east (known as The Butler) and there are two Grade II listed buildings situated 50m to the south-west of the site (Trinity Church and 118 Oxford Road) and 65m to the southeast, the Royal Meteorological Society at 104 Oxford Road. There are also no locally-listed buildings within or within close vicinity of the site. The site is also situated within Flood Zone 1 (lowest risk).

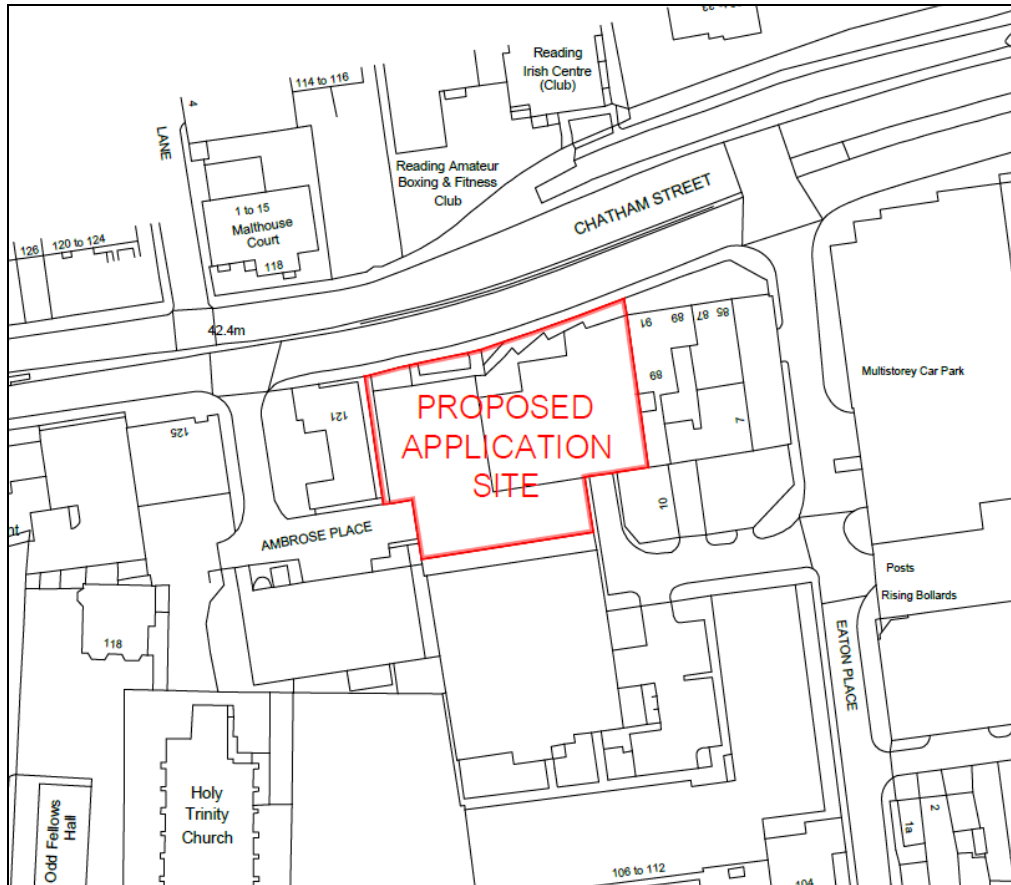


Figure 1 -

Extract from site location Plan

- 1.6 Vehicular access is gained from the south off Eaton Place. The site can also be accessed by pedestrians from the south along Eaton Place, the west via Chatham Street. The site is accessible via public transport along Oxford Road, with frequent bus links into Reading town centre. Reading West Station is approximately 9 minutes' walk and Reading Station is an 11 minute walk.

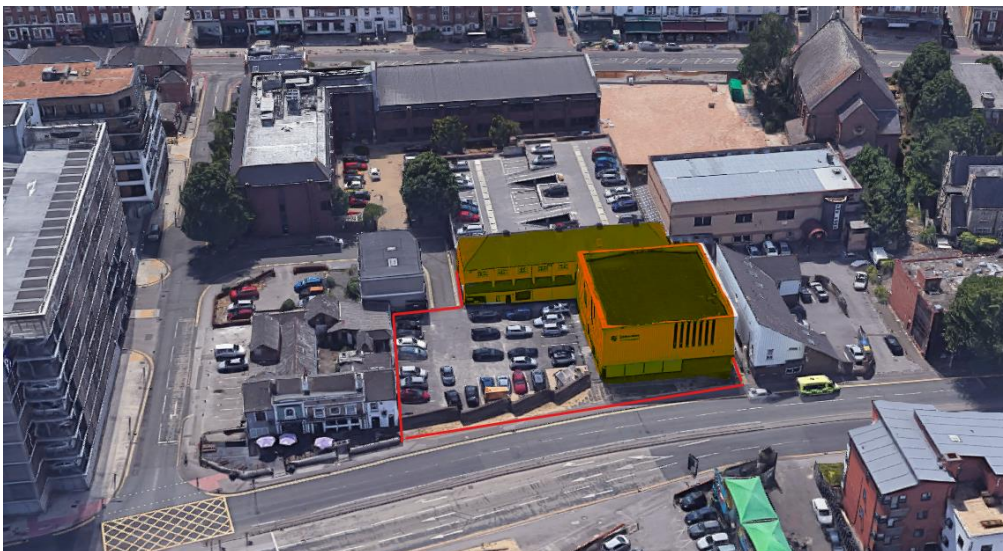


Figure 2 -

Aerial image looking south showing application site and buildings to be removed (Google maps 2021)

2. The Proposals

- i. The application seeks an amendment to planning permission 210349, which granted the erection of a 3-5 storey building to provide 54 residential units on 17/12/2021. More specifically, the proposal seeks

- to change the wording of condition 10 (Secured by Design Award) from pre-commencement to prior to occupation. The developer advises that after consulting secure by design, the gold award cannot be issued until after the building has been built and inspected.

- to change the wording to condition 14 (Remediation Validation Report) from pre-commencement to prior to occupation. The developer advises that the validation report can't be produced until the remediation measures have been carried out including the laying of topsoil, late in the build.

3. Internal Consultations

Environmental Protection - Concern was originally raised that if the entirety of condition 14 was changed to pre occupation, there would be a risk that is the LPA is not happy with the validation of the remediation and membrane then it may be too late to rectify without significant impact on the construction. Further to discussions with the applicant, EP can agree to the condition worded such that a validation report is submitted in accordance with each stage of remediation.

4. Councillor / Public Consultation

i. Councillor Consultation

Since April 2020 the Chair & Vice Chair of the Planning Application Committee and Ward Councillors are no longer required to be notified on NMA or MMA applications which were originally determined by the Planning Applications Committee. This follows a change in the scheme of delegation, as agreed by Policy Committee. Accordingly, members were not formally notified on these applications.

Neighbour Consultation

None required for this type of application. No substantive responses received.

Site Notice

Not required for this type of application.

5. Plans / Documents Considered

Verification Plan ref. 19411-HYD-XX-XX-RP-GE-3001 dated 9th February 2023
Received 10th February 2023

6. Relevant Planning History

210349/FUL Demolition of the existing buildings on site and erection of a 3 - 5 storey building to provide 54 residential units (Class C3). Provision of private and communal external amenity areas, car and cycle parking and refuse storage. Permitted 17/11/21

220084/NMA Non-Material Amendment to Permitted application 210349 - vary condition 3 and 14. Agreed 17/2/22

220729/APC Application for approval of details reserved by conditions 12 (Contamination), 13 (Remediation) and 17 (Construction Method Statement) of application 210349. Discharged 16/9/22

220868/APC Application for approval of details reserved by condition 8 (Habitat enhancement scheme (pre-demolition)) of application 210349. Discharged 9/9/22

221322/APC Application for approval of details reserved by condition 4 (Materials Schedule) of application 210349. Discharged 13/2/23

221626/APC Application for approval of details reserved by condition 6 (SUDs) of Application 210349. Pending consideration

230018/APC Application for approval of details reserved by condition 7 (Hard and Soft Landscaping Scheme) of Application 210349. Pending consideration

7. 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.

8. 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."*

9. Relevant Policies

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

10. Appraisal

- i. In overall terms, these changes have been considered by officers, who are content that the proposed changes in all instances are acceptable, assisting in the development being implemented without compromising on the level/nature of information considered necessary under the original application. In short, the changes alter the trigger point for submission of relevant details from pre-commencement to pre-occupation. With specific regard to condition 14, the change does not materially alter the function of the condition, which will still secure the necessary remediation through a phased approach.
- ii. Officers also consider that these changes can be made through the non-material amendment procedure. More specifically, it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities, landscaping proposals, transport, highway safety, sustainability or ecological intentions or any other consideration, set within the context of the original permission. This is primarily owing to the context of the overall original scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context.
- iii. All changes proposed as part of these applications are therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure.
- iv. An informative is recommended which states that this decision shall only be read in the context of planning permission 210349 and is bound by all the conditions attached to that permission. It shall also be read in the context of a previous NMA agreed at the site earlier in 2022 (see relevant history above), which corrected typographical errors in conditions 3 and 14 and is not impacted by the considerations of this proposal. 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.

11. Conclusion

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

Recommendation

Grant Non-material amendments

12. Conditions:

REPLACEMENT CONDITON 10 (Secured by Design g Award)

The development hereby approved shall not be first occupied until details as to how the development will achieve the Secured by Design Award to include a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and timetable and maintained as such thereafter.

REASON: To protect the amenity of future occupiers of the proposed development and in the interests of safeguarding the character and appearance of the buildings and the wider immediate area, in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 14 (Remediation Validation Report)

The approved remediation scheme under Condition 13 shall be implemented in accordance with the approved timetable of works. Validation reports (that demonstrate the effectiveness of the remediation carried out) shall be submitted to and approved in writing by the Local Planning Authority for each stage described on page 1 of the Verification Plan ref. 19411-HYD-XX-XX-RP-GE-3001 dated 9th February 2023 and received 10th February 2023. The Enablement Phase Verification Report shall be submitted prior to construction above foundation level and the Final Verification Report shall be submitted prior to first occupation.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading Borough Local Plan 2019.

Informatives:

1. This decision relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of planning permission 210349 granted 17/12/21 and is bound by all the conditions 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. The Local Planning Authority has worked positively and proactively with the applicant to determine under the non-material amendment procedure within the recommended timeframes.