

DELEGATED APPLICATION REPORT

Address: Land between Weldale Street and Chatham Street, Reading

Application No: 211931/NMA

Proposal: Non-material amendments to permission 170326 (granted on 15/03/2018) to alter the wording of conditions 2 (approved plans) to provide 13 electric vehicle charging points adjacent to the western site boundary, alterations to flat entrances at lower ground floor level on western elevation of Block A1, amendments to boundary wall on the north elevation of Block A1 fronting Weldale Street, relocation of cycle stands adjacent to the east elevation entrance of Block A2, relocation of roof level flue at Block A1 fronting Chatham Street, amendment to alignment of retaining wall to the south west of Block A1, proposed handrails to ramped section of path to the south of Block A2 and amendment to the planting bed in the courtyard of the A Blocks.

Applicant: Ropemaker Properties Ltd

Date received (valid from): 17/12/2021

Target Decision date: Originally 14/01/2022, but a formal extension of time for the determination of the application was subsequently agreed until 17/02/2022

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

1.1 The application site comprises land and buildings between Weldale Street (to the north), Caversham Road (The Inner Distribution Road - IDR) / Thorn Walk (to the east) and Chatham Street (to the south). More specifically, the existing site (until partial demolition works in 2020 commenced) contained three large retail buildings and associated servicing/car parking/electric sub-station. Partial demolition works and construction works associated with the western half of the site are well underway to facilitate permission 170326. The agent for the applicant has advised in December 2021 that there is an aim for first occupation of Block A around April/May 2022 and for the remaining demolition of the remaining buildings and construction of Blocks B to commence later in 2022. An area of hard/soft landscaping and pavements in the south-east corner of the proposed site is owned by Reading Borough Council (RBC) as highways land. The red line of the application site also includes the RBC highways owned pavements of Thorn Walk and Weldale Street. Of the three former retail buildings that closest to Weldale Street was in use until 2019 by Iceland. In contrast, the other two units had been vacant for a number of years (having previously been occupied by Wickes and Multiyork). Those buildings were erected in the late 1980s, with the site having previously been a bus depot (from 1950s) and terraced residential (at least from 1870). Part of the now former customer car parking was at ground level, with a portion on the western side of the site including a raised second level. Former vehicular access to the site was solely from Weldale Street, with the exit point being onto Chatham Street, effectively making this a one-way parking arrangement. The site is roughly rectangular in shape and is 1.32ha in size. There is a significant (more than 4 metres) fall in land levels from south to north at the site.

1.2 The application site is located within the Central Reading area. The site is also wholly within the West Side Major Opportunity Area (Policy CR12). The vision for the area is for '*a mixed-use extension to the west of the centre containing high-quality mixed-use environments and fostering stronger east-west links into the central core*'. Policy CR12 is structured with general points applicable to all sub-areas, then some individual guidance for each sub-area. The more general points that are particularly relevant specify that development will:

- i) Contribute towards providing a mix of uses including residential;*
- ii) Help facilitate greater pedestrian and cycle permeability, in particular on key movement corridors and east-west links through the area and between development areas and the station, including improved crossings of the IDR where achievable;*
- iv) Provide additional or improved areas of open space where possible, generally in the form of town squares, and provide additional green infrastructure where possible;*
- v) Give careful consideration to the areas of transition to low and medium density residential and conservation areas and conserve and, where appropriate, enhance listed buildings and conservation areas and their settings.*
- vii) 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 which benefit the whole area, such as open space.*

- 1.3 More specifically at an individual level, the site is the southern half of the Great Knollys Street & Weldale Street Policy CR12b sub-area. Policy CR12b states:

This area will be developed primarily for residential. Any development which would result in the loss of small business units should seek to replace as many of those units as possible, preferably on site. There should be a careful transition to the lower density residential areas to the west. Listed buildings and their settings in the area will be conserved and where possible enhanced.

Site Size: 3.02ha Indicative potential: 280-510 dwellings, no significant gain of other uses

- 1.4 The site is also within the Office Core, an air quality management area and, owing to the former bus depot use, part of the site potentially includes contaminated land. Furthermore, the Environment Agency has identified that the site overlies a principal aquifer.

- 1.5 The site is located outside of the designated (Policy CR10) tall building clusters, although the boundary of the 'Western Grouping' is immediately to the south of the application site at Chatham Street. The site is also located outside of both the Primary Shopping Area and the Central Core. The site is also outside, but adjacent to, an area of archaeological potential. It is also within Flood Zone 1, with the nearest Flood Zone 2 boundary being 45m to the north. The site is not within a conservation area, with the nearest conservation areas being as follows:

- Russell Street / Castle Hill - 170 metres to the south;
- St Mary's Butts / Castle Street Conservation Area - 330 metres to the south

- 1.6 None of the application site buildings are listed. However, the following buildings in the vicinity of the site are listed and could potentially be impacted by the proposed development:

- Grade I Listed Greyfriars Church, Friar St - 80m to the east of the site and one of the most complete surviving examples of Franciscan- architecture in England
- Grade II Listed quadrant walls and railings to former No 64 (Greyfriars Vicarage) - 125m to the east. The Vicarage itself isn't listed, but is considered a non-designated heritage asset.
- Grade II Listed Mitre Inn (No 47 West Street) including No 92 Friar Street - 125m to the south-east

- Grade II Listed W I Palmer Memorial Hall (Nos 42 and 43 West Street) - 135m to the south-east
 - Grade II Listed 3 & 5 Cheapside - 145m to the south-east
 - Grade II Listed Butlers Wine Vaults, Chatham Street - 60m to the south-west
 - Grade II Listed 122-124 Chatham Street - 150m to the west
 - Grade II Listed Mannson House, Oxford Road - 140m to the south-west
 - Grade II Listed Church of the Holy Trinity, Oxford Road - 185m to the south-west
 - Grade II Listed 29-31 Caversham Road - 60m to the north-east
 - Grade II Listed Regent Place, 47-57 Caversham Road - 150m to the north-east
- 1.7 The surrounding area comprises a mix of uses, predominantly commercial and residential. To the north are the two-storey light industrial and business units, a commercial garage and a four-storey residential development on Weldale Street. To the immediate north-east of the application site is The Chatham, a six-storey residential block of flats on the junction of Weldale Street and Thorn Walk. Further to the east is the IDR, beyond which are the terraced housing streets of Stanshawe Road, Sackville Street and Vachel Road. Also at this point are the Greyfriars Church (Grade I listed) and centre.
- 1.8 To the south-east, beyond the roundabout leading to the IDR below and Chatham Street / Friar Street are the four-storey head offices of Primark at 32-41 West Street (fronting onto Cheapside at this point) and the four-storey Adelphi House, which comprises a job centre at ground floor level. To the south of the site is the relatively recently built Chatham Place development, which is predominantly residential (varying from nine, eleven and up to nineteen storeys) and also includes a multi-storey car park at the western end. To the south-west of the site, adjacent to the multi-storey car park, is the listed Butler public house. Beyond this are further commercial / residential uses on Chatham Street. To the west of the site is Stratheden Place, a two and three-storey residential series of buildings, which also includes a single storey garage element on the boundary with the application site. Further to the west there is more traditional terraced housing.

2. The Proposal

- 2.1 Non-material amendments to planning permission 170326 granted on 15/03/2018 are proposed. More specifically, the proposal seeks to:
- provide 13 electric vehicle charging points adjacent to the western site boundary,
 - make alterations to the flat entrances at lower ground floor level on western elevation of Block A1,
 - make amendments to the boundary wall on the north elevation of Block A1 fronting Weldale Street,
 - relocate the exact location of cycle stands adjacent to the east elevation entrance of Block A2,
 - relocate the precise termination point of the roof level flue at Block A1 fronting Chatham Street,
 - make an amendment to the alignment of the retaining wall to the south west of Block A1,
 - proposed handrails to ramped section of path to the south of Block A2 and amendment to the planting bed in the courtyard of the A Blocks.

2.2 During the course of the application the applicant submitted some further information and revised plans (on 03/02/2022), following officer feedback (on 19/01/2022).

3. Public Consultation

- i. Neighbour Consultation
No statutory requirement for any for this type of application.
- ii. Chair & Vice Chair of the Planning Application Committee and Abbey Ward Councillors
Not required following changes to the scheme of delegation in April 2020.

4. Internal / External Consultations

RBC Transport Officer - initial comments queried two elements of the scheme. Comments summarised as follows:

- The provision of additional EV charging points is supported and is acceptable.
- No transport objections to the amendments to the west elevation of Block A entrances.
- Amendments to boundary wall on Weldale Street for Block A1 - Clarification required from transport that if the boundary wall is to be removed, then the doors serving the residential units must open inwards away from the footway.
- Cycle parking amendments are acceptable in principle, but clarification is required to ensure the cycle standards will be located 650mm away from the grassed landscaping (so that it is fit for purpose).
- No transport objections to any other elements of the works

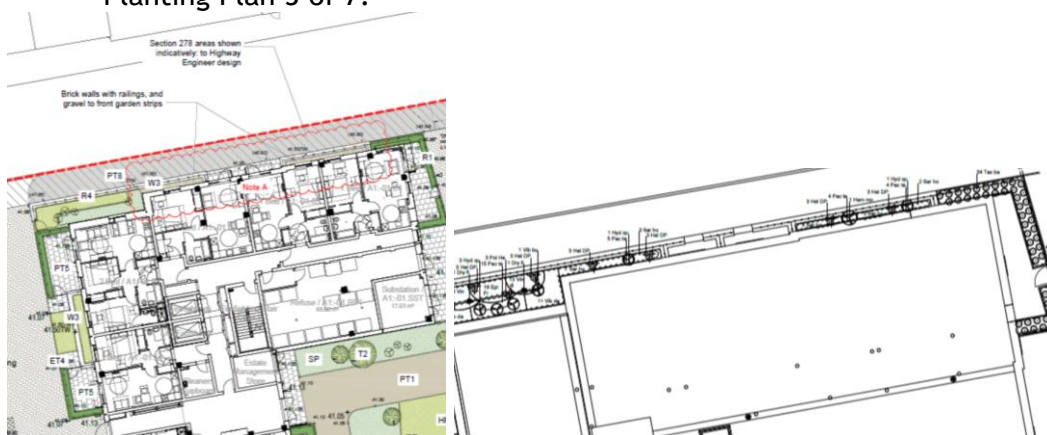
Updated RBC Transport comments following submission of revised plans:

I have reviewed the agent's response who has confirmed that the doors will not encroach onto the footway, and the cycle stands will be located a suitable distance from the soft landscaped area.

Therefore, I have no further objections to the NMA application.

RBC Natural Environment Officer - In addition to general comments regarding the interaction between the original approved plans and those subsequently approved through separate NMA applications and approval of details applications, a summary of the comments received are:

1. **Additional EV charging points** - No clarification or commentary provided as to how the charging points might change the approved landscaping (e.g. green wall effect climbing plant and tree in a bed half way along the parking spaces. Clarification is required. Furthermore, an electricity supply to the new EV points is required, but how this occurs and how it impacts the 200476/APC approved 12123-HYD-XX-XX-DR-ME-9010 RevP04, Combined Services Proposed External Services Layout (under condition 26) is unclear. It is likely the drawing will need to be amended. Commentary / plans required in this regard.
2. **Amendments to Individual Flat Entrance - Door System Proposal** - No objections - minor change not impacting landscaping.
3. **Amendments required to boundary wall between two flats on the ground floor of Block A1 and the public footpath on Weldale Street** - The change to the frontage treatment seems to result in a minor change (reduction) to the landscaping - below is an extract from submitted Site Landscape GA Plan 1903-MWA-00-XX-DR-L-0001 Rev 14 against approved (under 200476/APC) 1903-MWA-00-XX-DR-L-1903 Rev 02 Weldale Street, Planting Plan 3 of 7:



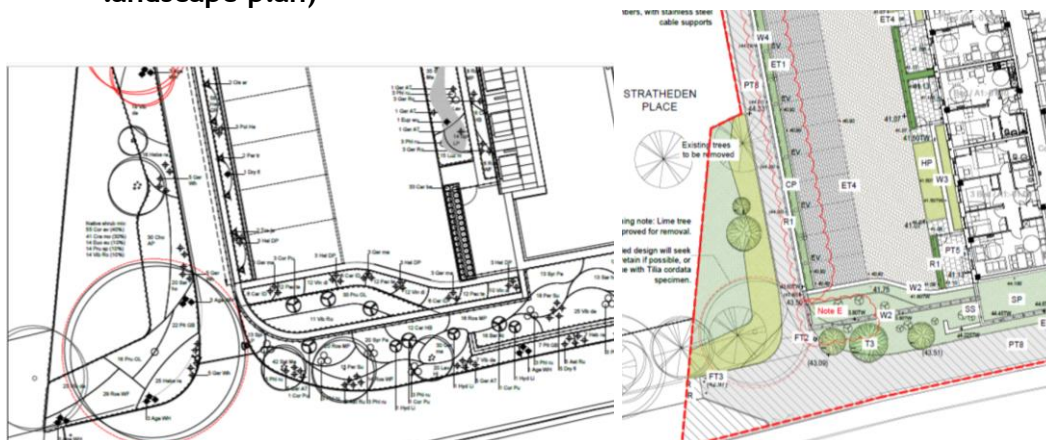
However this Site GA plan does not appear consistent with the 3622-SC-0199 Rev DD Lower Ground Floor Plan which shows the following so I am confused and clarification would be welcome:



4. **Amendments to Cycle Parking at Ground Floor Level** - Cycle parking remains on the hard surfacing hence does not impact landscaping - no objections

5. **Termination of emergency generator flue relocated** - It is noted that the changes don't impact on swift or peregrine provision, as shown on approved (under 200476/APC) 0212 Rev T Roof Plan.

- a) **amendment to alignment of retaining wall to the south west of Block A1 (Note E on landscape plan)**



The above extracts are from approved (under 200476/APC) 1903-MWA-00-XX-DR-L-1901 Rev 02 Weldale Street, Planting Plan 1 of 7 (left) and submitted Site Landscape GA Plan 1903-MWA-00-XX-DR-L-0001 Rev 14 (right). The change will mean a minor change in the planting in that area but as the tree planting would be unaffected, the Natural Environment officer has no objections. The Planning Officer should decide whether a Planting Plan should be submitted.

- b) **Proposed handrails to ramped section of path to the south of Block A2 (Note F on landscape plan)** - Additional of handrails should not impact landscaping - no objections

- c) **Amendment to planting bed in the courtyard of A Blocks (Note B on landscape plan)**

Proposed bed (for whatever reason) is:



1903-MWA-00-XX-DR-L-1904 Rev 02 Weldale Street, Planting Plan 4 of 7 and 1903-MWA-00-XX-DR-L-1900 Rev 07 Tree Planting Plan 1 of 2 (both approved under 200476/APC) show:



In this case the change results in a small increase in the landscape provision so the Natural Environment officer has no objections. As per comments above, the change would mean

approved landscaping would not be implemented, which should be considered by the Planning Officer.

In conclusion, clarification is required on some points and consideration given, where highlighted, as to due procedure for the changes to approved landscaping resulting from this NMA.

Updated RBC Natural Environment comments following submission of revised plans:

1. Additional EV charging points - I previously raised concern over potential conflict with landscaping and the need to update the approved services drawing to account for the electricity supply to these. I note that confirmation is given that landscaping can be implemented, as approved and I also note the comment that: *'With respect to the query regarding drawing '12123-HYD-XX-XX-DR-ME-9010 RevP04, Combined Services Proposed External Services Layout', this plan was prepared and approved to discharge condition 26. It will therefore be updated and an application to re-discharge condition 26 will be submitted separately to this application to avoid any confusion. This should not impact the determination of this NMA application'*. This is acceptable in principle, however the applicant should be advised not to install the EV points and their electricity supply until this new APPCON is agreed. (officer note: an informative will be included on the decision notice).
3. Amendments required to boundary wall between two flats on the ground floor of Block A1 and the public footpath on Weldale Street

I previously commented on an inconsistency between Site Landscape GA Plan 1903-MWA-00-XX-DR-L-0001 Rev 14 and the submitted 3622-SC-0199 Rev DD Lower Ground Floor Plan. The email confirms that *'drawing 1903-MWA-00-XX-DR-L-0001 Rev 14 is the correct most up to date landscape general arrangement plan which has previously been approved under the recent NMA application for the removal of the play space in Phase 1'* and a revised (Rev EE) Lower Ground Floor plan has been provided - this still shows the same inconsistency between the two drawings, so am unclear on this. I note the comment that *'The relevant Tree and Planting Plans have now also been updated by Mathew Wigan accordingly to reflect this plan and to address the queries at points 3, 5a) and 5c) (of my memo) and that 'these drawings were submitted and approved to discharge condition 26 and did not form part of the original planning application. As such, I would suggest that these drawings are also submitted as part of an application to re-discharge condition 26, rather than as part of this NMA application, to avoid any confusion'*. If you are happy with this approach, then I have no objection as the change under this NMA is minor, to which I don't object. It would obviously be helpful that a detailed explanatory letter accompany any future application to re-discharge condition 26. (Officer note: an informative in this regard will be included on the decision notice).

5. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the supporting letter and application form submitted by the applicant, together with the following plans:

3622-SC-0300 Rev H Site Elevation South, as received 30/11/2021

3622_SC_0101 Rev G Proposed Site Block Plan, as received 17/12/2021

3622-SC-0301 Rev H Site Elevations West, as received 17/12/2021

3622-SC-0302 Rev K Site Elevation North, as received 17/12/2021
 3622_SC_0350 Rev J Street scene elevations - south & north, as received 17/12/2021
 3622_SC_0351 Rev H Street scene elevations - east & west, as received 17/12/2021
 3622_SC_0400 Rev G Site section 1, as received 17/12/2021
 3622_SC_0401 Rev G Site section 2, as received 17/12/2021
 3622_SC_0402 Rev G Site section 3, as received 17/12/2021
 3622_SC_0403 Rev H Site section 4 & 5, as received 17/12/2021
 3622_SC_0404 Rev K Site section 6, as received 17/12/2021
 3622-A1-0300 Rev K North elevation, as received 17/12/2021
 3622-A1-0301 Rev F South elevation, as received 17/12/2021
 3622-A1-0302 Rev H East elevation, as received 17/12/2021
 3622-A1-0303 Rev E West elevation, as received 17/12/2021
 3622_A1_0400 Rev J Block A1 - Section AA & BB, as received 17/12/2021
 3622_A1_0500 Rev E Block A1- Typical bay study 1, as received 17/12/2021
 3622_A2_0300 Rev L Block A2- North elevation, as received 17/12/2021
 3622_A2_0301 Rev F Block A2- South elevation, as received 17/12/2021
 1903-MWA-00-XX-DR-L-0001 Rev 14 Landscape General Arrangement, as received 17/12/2021
 3622_0501 Rev D Entrance Canopy - Design Intent Study, as received 17/12/2021
 3622_0504 Rev C Block A1/A2 Weldale Street Edge, as received 17/12/2021
 3622_0513 Rev C Chatham Street to Weldale Street Pedestrian Routes 1, as received 17/12/21
 3622_0514 Rev E Chatham Street to Weldale Street Pedestrian Routes 2, as received 17/12/21
 3622_SC_0610 Rev A Mew / Elevated Walk Way & Lighting Study, as received 17/12/21 at 1438 hours
 Fast Charging Solo 3 - Freestanding Mount Datasheet Ref PP-D-200094-3, as received 17/12/21

3622-SC-0199 Rev EE Lower Ground Floor Plan, as received 17/12/2021
 3622-SC-0200 Rev BB Ground Floor Plan, as received 03/02/2022
 3622-SC-0212 Rev V Roof Plan, as received 03/02/2022
 3622_A2_0303 Rev E Block A2- West elevation, as received 03/02/22
 3622_0508 Rev D Individual Flat Entrance - Door System Proposal, as received 03/02/22

For completeness, the above plans seek to supersede the following plans referenced on the original decision notice for permission 170326:

3622_SC_0200 Rev T Ground floor plan, as received 02/11/17
 3622_SC_0212 Rev N Roof plan, as received 30/06/17
 3622_SC_0300 Rev E Site elevation - South, as received 30/06/17

3622_SC_0101 Rev D Proposed site block plan, as received 30/06/17
 3622_SC_0199 Rev V Lower ground floor plan, as received 18/01/18
 3622_SC_0301 Rev E Site elevation - West, as received 30/06/17
 3622_SC_0302 Rev E Site elevation - North, as received 30/06/17
 3622_SC_0350 Rev E Street scene elevations - south & north, as received 30/06/17
 3622_SC_0351 Rev E Street scene elevations - east & west, as received 30/06/17
 3622_SC_0400 Rev D Site section 1, as received 30/06/17
 3622_SC_0401 Rev D Site section 2, as received 30/06/17
 3622_SC_0402 Rev D Site section 3, as received 30/06/17
 3622_SC_0403 Rev D Site section 4 & 5, as received 30/06/17
 3622_SC_0404 Rev D Site section 6, as received 30/06/17
 3622_A1_0300 Rev G Block A1 - North elevation, as received 30/06/17
 3622_A1_0301 Rev B Block A1 - South elevation, as received 30/06/17
 3622_A1_0302 Rev C Block A1 - East elevation, as received 30/06/17

3622_A1_0303 Rev B Block A1 - West elevation, as received 30/06/17
 3622_A1_0400 Rev G Block A1 - Section AA & BB, as received 30/06/17
 3622_A1_0500 Rev C Block A1- Typical bay study 1, as received 24/07/17
 3622_A2_0300 Rev G Block A2- North elevation, as received 30/06/17
 3622_A2_0301 Rev B Block A2- South elevation, as received 30/06/17
 C0049 L100 Rev 12 - Illustrative Landscape Masterplan, as received 30/06/17
 3622_0501 Rev C Entrance Canopy - Design Intent Study, as received 18/01/18
 3622_0504 Rev A Block A1/A2 Weldale Street Edge, as received 30/06/17
 3622_0508 Rev B Individual Flat Entrance - Door System Proposal, as received 18/01/18
 3622_0513 Rev A Chatham Street to Weldale Street Pedestrian Routes 1, as received 30/06/17
 3622_0514 Rev A Chatham Street to Weldale Street Pedestrian Routes 2, as received 30/06/17

6. Relevant Planning History

- i. 170326/FUL - Demolition of all existing buildings (including 3 retail units) and structures, and erection of new buildings ranging between lower ground & 4 storeys to lower ground & 11 storeys in height, providing 427 (233x1, 182x2 & 12x3-bed) residential units (Class C3) and 1 flexible ground floor retail shop (Class A1) or restaurant and cafe (Class A3) unit, together with new public realm, landscaping, accesses, parking and associated works (amended description). Granted following completion of s106 legal agreement 15/03/18.
- ii. 190787/APPCON - Discharge of condition 32 (Archaeology) of planning permission 170326. Discharged 27/06/2019.
- iii. 190793/NMA - Non-material amendments to permission 170326 (granted on 15/03/2018) to amend the wording of conditions 15, 34 and 43 to allow details to be submitted on a phase-by-phase basis, and amend the wording of condition 32 to allow archaeological works to take place via an agreed timetable rather than pre-commencement (amended description). Agreed 27/06/2019.
- iv. 191011/APPCON - Discharge of conditions 18 (contaminated land remediation scheme), 21 (land gas investigation methodology), 22 (land gas scheme) and 23 (land gas validation report) of permission 170326. Conditions discharged 13/08/2019.
- v. 191017/APPCON - Discharge of condition 5 (Construction Method Statement) of permission 170326. Discharged 16/12/2019.
- vi. 191275/VARIAT - Variation of condition 2 (approved plans) of planning permission 170326 [Demolition of all existing buildings and erection of new buildings providing 427 residential units (Class C3) and 1 flexible Class A1 or A3 unit, together with new public realm, landscaping, accesses, parking and associated works], namely for various minor material amendments including a reduction to 422 (231x1, 180x2 & 11x3 -bed) residential units (Class C3) and replacement with internal amenity space for Block A residents, various associated external alterations to Block A windows, doors, entrances, landscaping, at roof level and associated works. Withdrawn 17/03/2020.
- vii. 191578/APPCON - Partial discharge of condition 34 (parts b), c) & f)) associated with SuDS details for phases 2, 3 & 6 of permission 170326 (as amended by agreed non-material amendments 190793). Relevant parts discharged 25/11/2019.
- viii. 191930/APPCON - Discharge of condition 36 (foundation designs) of planning permission

170326. Discharged 08/01/2020.

- ix. 191974/NMA - Non-material amendments to planning permission 170326, as granted 15/03/2018, to amend the description of development and, by consequence, alter the wording of condition 2 (approved plans) to incorporate a reduction from 427 to 422 residential units, provision of internal amenity space for Block A residents, various associated external alterations to Block A windows, doors, entrances, landscaping, at roof level and associated works (amended description). Agreed 12/03/2020.
- x. 192024/APPCON - Discharge of condition 4 (materials) of planning permission 170326. Discharged 16/04/2020.
- xi. 200476/APPCON - Discharge of conditions 26 (hard and soft landscaping), 27 (tree pit and raised planter details) and 28 (landscaping management plan) of permission 170326 (as amended by agreed non-material amendments 190793 and 191974). Split decision 07/01/2021 - condition 28 discharged. Condition 26 & 27 details submitted acceptable, but development (beyond demolition) had already commenced prior to the issuing of the decision notice (development beyond demolition commenced in 2020, whereas the wording of the condition required all details to be submitted to and approved in writing by the Local Planning Authority prior to commencement barring demolition. However, it was confirmed that on the basis of the information provided there were considered to be no outstanding planning matters in relation to this condition, nor matters of enforcement, providing that the development was undertaken in accordance with the details submitted.
- xii. 201602/NMA - Non-material amendments to planning permission 170326, as granted 15/03/2018 to alter the wording of condition 2 (approved plans) to enable photovoltaic panels and an associated handrail at roof level of Block A2 (fronting Chatham Street) and air vent to east elevation of Block A1 at fifth floor level (amended description). Agreed 08/12/2020.
- xiii. 210356/APPCON - Discharge of conditions 3 (vehicle parking, cycle parking and bin storage per phase) and 48 (emergency services access strategy) of planning permission 170326 (as amended by agreed non-material amendments 191974). Discharged 28/05/2021.
- xiv. 210562/APPCON - Partial discharge of condition 17 (Mechanical Plant noise assessment) in respect of Blocks A1 & A2 and discharge of condition 50 (ancillary gym noise assessment) of planning permission 170326 (also incorporating non-material amendments agreed by 191974). Discharged 25/05/2021.
- xv. 211067/APPCON - Discharge of condition 15 (air quality mitigation) of planning permission 170326 (also incorporating changes agreed by 191974/NMA). Discharged 08/09/2021.
- xvi. 211462/NMA - Non-material amendments to permission 170326 (granted on 15/03/2018) to change the wording of condition 40, altering the trigger point for submission of public art details. Agreed 23/09/2021.
- xvii. 211701/NMA - Non-material amendments to permission 170326 (granted on 15/03/2018) to alter the wording of conditions 2 (approved plans) and 43 (on-site play-space facilities) to provide communal seating/outdoor furniture instead of the approved play-space facilities within the Block A courtyard. Agreed 16/12/2021.

- xviii. 211917/APPCON - Partial discharge of condition 10 (postal addresses) in respect of Blocks A1 & A2 and discharge of conditions 41 (external lighting) and 45 (security strategy) of planning permission 170326. Current application under 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 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

A number of changes are proposed as part of this application. It is therefore most appropriate to consider each in turn:

- provide 13 electric vehicle charging points adjacent to the western site boundary

The applicant is seeking to substantially increase the number of electric vehicle charging points within the development, with 13 additional points being proposed within the external car parking area on the western side of the site, adjacent to the Block A1 mews building. This is welcomed in principle. The use of low emissions vehicles is strongly supported, assisting air quality issues and helping to tackle carbon emissions. The design of the charging points means they will not be highly visible; furthermore, following clarifications submitted during the course of the application, they will not compromise the landscaping at this point of the site, subject to further details to be submitted in respect of condition 26 (as discussed with the applicant during the course of the application and recommended to be clarified as an informative on the decision notice). Accordingly, this element of the proposals is supported and welcomed as a positive addition to the scheme.

- make alterations to the flat entrances at lower ground floor level on western elevation of Block A1

The alterations are fairly limited in nature and are said to have arisen due to structural considerations encountered at detailed design stage. The amended proposal is not too dissimilar

from the approved, with the additions subtle in nature from a design perspective. The side panel introduced is transparent to ensure safety. It was noted that the proposals, as originally sought, introduced a step into the building, but the applicant clarified that this was a drafting error and a satisfactory revised plan was submitted to show step-free access remained.

- make amendments to the boundary wall on the north elevation of Block A1 fronting Weldale Street

The removal of the boundary wall is considered an improvement in overall terms as it is likely to increase the function of the access into the two units at this point, which will assist in activating the street, assisting in activity and natural surveillance. Following comments from RBC Transport, it is confirmed that the door openings will be away from the pavement to ensure safety. As such, there are no concerns with this element of the proposals.

- relocate the exact location of cycle stands adjacent to the east elevation entrance of Block A2

Following clarifications sought by the RBC Transport Officer (see section 4 above), this element is agreed as a minor tweak to the scheme, assisting easy access to the Block A2 entrance.

- relocate the precise termination point of the roof level flue at Block A1 fronting Chatham Street

This represents a non-material change at roof level which will have no significant impact in terms of design or amenity, but instead assist in the functioning of the building.

- make an amendment to the alignment of the retaining wall to the south west of Block A1

As per the RBC Natural Environment Officer comments, there are no concerns raised with this change to the proposal, subject to it also being reflected in updated landscaping details (as per the comments above). The change is minor in nature and scope.

- proposed handrails to ramped section of path to the south of Block A2

This alteration will assist the accessibility of the path for all users and is therefore welcomed in principle and no issues are raised.

- amendment to the planting bed in the courtyard of the A Blocks.

As per the RBC Natural Environment Officer comments, there are no concerns raised with this change to the proposal, which is minor in nature and scope. It is not considered to be of a level/nature to facilitate an altered planting plan to be separately submitted / revised / approved.

In overall terms, these changes have been considered by officers, who are content that the proposed changes in all instances are acceptable, both in themselves and collectively. In short, they will assist in the development being implemented. The changes have been a result of design development, which can be expected in a project of this nature.

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.

All changes proposed as part of these applications are therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure.

An informative is recommended which states that this agreed NMA relates only to the changes highlighted. It will also be acknowledged that the agreed NMA 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. It is acknowledged that this application constitutes the fifth s96a type application at the site (the others being 190793/NMA, as agreed on 27/06/2019, 191974/NMA, as agreed on 12/03/2020, 201602/NMA, as agreed on 08/12/2020, 211462/NMA as agreed on 23/09/2021 and 211701/NMA as agreed on 16/12/2021). The cumulative impact of the NMAs have been considered together and no issues are raised in these regards. 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 by this application do not constitute material changes to the approved planning permission.

Recommendation

Grant Non-material amendment

12. Conditions:

REPLACEMENT CONDITION 2 (these are the original 170326 approved plans and changes as proposed as part of this application; these do not incorporate changes made through separate other NMA applications - see informative 1 below explaining that all NMAs should be read together and Informative 5).

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

3622_SC_0100 Rev D Site location plan, as received 28/02/17

3622_SC_0101 Rev G Proposed Site Block Plan, as received 17/12/2021

3622_SC_0120 Rev B Demolition - Site Plan, as received 15/03/17

3622_SC_0121 Rev B Demolition - North & East Elevation, as received 15/03/17

3622_SC_0122 Rev B Demolition: South & West Elevation, as received 15/03/17

3622_SC_0123 Demolition Ground Floor Plan, as received 15/03/17

3622_SC_0124 Demolition First Floor Plan, as received 15/03/17

3622_SC_0125 Demolition Second Floor Plan, as received 15/03/17

3622-SC-0199 Rev EE Lower Ground Floor Plan, as received 17/12/2021

3622-SC-0200 Rev BB Ground Floor Plan, as received 03/02/2022

3622_SC_0201 Rev R First floor plan, as received 02/11/17
 3622_SC_0202 Rev Q Second floor plan, as received 02/11/17
 3622_SC_0203 Rev R Third floor plan, as received 02/11/17
 3622_SC_0204 Rev P Fourth floor plan, as received 03/11/17
 3622_SC_0205 Rev P Fifth floor plan, as received 02/11/17
 3622_SC_0206 Rev P Sixth floor plan, as received 02/11/17
 3622_SC_0207 Rev N Seventh floor plan, as received 30/06/17
 3622_SC_0208 Rev N Eighth floor plan, as received 30/06/17
 3622_SC_0209 Rev N Ninth floor plan, as received 30/06/17
 3622_SC_0210 Rev N Tenth floor plan, as received 30/06/17
 3622-SC-0212 Rev V Roof Plan, as received 03/02/2022
 3622-SC-0300 Rev H Site Elevation South, as received 30/11/2021
 3622-SC-0301 Rev H Site Elevations West, as received 17/12/2021
 3622-SC-0302 Rev K Site Elevation North, as received 17/12/2021
 3622_SC_0303 Rev C Site elevation - East, as received 30/06/17
 3622_SC_0350 Rev J Street scene elevations - south & north, as received 17/12/2021
 3622_SC_0351 Rev H Street scene elevations - east & west, as received 17/12/2021
 3622_SC_0400 Rev G Site section 1, as received 17/12/2021
 3622_SC_0401 Rev G Site section 2, as received 17/12/2021
 3622_SC_0402 Rev G Site section 3, as received 17/12/2021
 3622_SC_0403 Rev H Site section 4 & 5, as received 17/12/2021
 3622_SC_0404 Rev K Site section 6, as received 17/12/2021
 3622_SC_0405 Rev D Site section 7, as received 30/06/17
 3622_SC_0408 Rev D Site section 10, as received 30/06/17
 3622-A1-0300 Rev K North elevation, as received 17/12/2021
 3622-A1-0301 Rev F South elevation, as received 17/12/2021
 3622-A1-0302 Rev H East elevation, as received 17/12/2021
 3622-A1-0303 Rev E West elevation, as received 17/12/2021
 3622_A1_0400 Rev J Block A1 - Section AA & BB, as received 17/12/2021
 3622_A1_0500 Rev E Block A1- Typical bay study 1, as received 17/12/2021
 3622_A1_0501 Rev B Block A1- Typical bay study 2 & 3, as received 30/06/17
 3622_A2_0300 Rev L Block A2- North elevation, as received 17/12/2021
 3622_A2_0301 Rev F Block A2- South elevation, as received 17/12/2021
 3622_A2_0302 Rev B Block A2- East elevation, as received 30/06/17
 3622_A2_0303 Rev E Block A2- West elevation, as received 03/02/22
 3622_A2_0400 Rev D Block A2- Section AA & BB, as received 30/06/17
 3622_A2_0500 Rev B Block A2- Typical bay study 1 & 2, as received 30/06/17
 3622_B1_0300 Rev G Block B1- North elevation, as received 30/06/17
 3622_B1_0301 Rev B Block B1- South elevation, as received 30/06/17
 3622_B1_0302 Rev B Block B1- East elevation, as received 30/06/17
 3622_B1_0303 Rev B Block B1- West elevation, as received 30/06/17
 3622_B1_0400 Rev D Block B1- Section AA & BB, as received 30/06/17
 3622_B1_0500 Rev B Block B1- Typical bay study 1 & 2, as received 30/06/17
 3622_B2_0300 Rev J Block B2- North elevation, as received 30/06/17
 3622_B2_0301 Rev B Block B2- South elevation, as received 30/06/17
 3622_B2_0302 Rev B Block B2- East elevation, as received 30/06/17
 3622_B2_0303 Rev B Block B2- West elevation, as received 30/06/17
 3622_B2_0400 Rev D Block B2- Section AA & BB, as received 30/06/17
 3622_B2_0500 Rev B Block B2- Typical bay study 1 & 2, as received 30/06/17
 1903-MWA-00-XX-DR-L-0001 Rev 14 Landscape General Arrangement, as received 17/12/2021
 C0049 L101 Rev 04 - Combined General Arrangement, as received 30/06/17

C0049 L500 Rev 03 - Landscape Sections Sheet 01, as received 30/06/17
 C0049 L501 Rev 00 - Landscape Sections Sheet 02, as received 02/03/17
 C0049 L502 Rev 00 - Landscape Sections Sheet 03, as received 02/03/17
 C0049 L900 Rev 02 - Lighting Proposal, as received 30/06/17
 3622_0500 Rev A B2 Commercial/Pedestrian Walkway/IDR Study Entrance Canopy - Design Intent Study, as received 10/08/17
 3622_0501 Rev D Entrance Canopy - Design Intent Study, as received 17/12/2021
 3622_0502 Rev B Block A Courtyard Perimeter Railing - Design Intent Study, as received 30/06/17
 3622_0503 Rev B Block B Courtyard Perimeter Railing - Design Intent Study, as received 30/06/17
 3622_0504 Rev C Block A1/A2 Weldale Street Edge, as received 17/12/2021
 3622_0508 Rev D Individual Flat Entrance - Door System Proposal, as received 03/02/22
 3622_0511 Rev A Block B1 - Side Access Study - adjacent to The Chatham, as received 30/06/17
 3622_0513 Rev C Chatham Street to Weldale Street Pedestrian Routes 1, as received 17/12/21
 3622_0514 Rev E Chatham Street to Weldale Street Pedestrian Routes 2, as received 17/12/21
 3622_0600 Rev A Flat Types, as received 13/07/17
 3622_0750 Rev G Schedule of Accommodation - Building A1, as received 13/07/17
 3622_0751 Rev H Schedule of Accommodation - Building A2, as received 13/07/17
 3622_0752 Rev J Schedule of Accommodation - Building B1, as received 02/11/17
 3622_0753 Rev H Schedule of Accommodation - Building B2, as received 13/07/17
 3622_0810 Rev A Flat numbers - Lower ground to 2nd floor, as received 13/07/17
 3622_0811 Rev A Flat numbers 3rd to 6th floor, as received 13/07/17
 3622_0812 Rev A Flat numbers 7th to 10th floor, as received 13/07/17
 3622_0250 Rev C Phasing Plan, as received 20/10/17
 3622_0260 Rev A Public Open Space, as received 04/10/17
 3622_SC_0610 Rev A Mew / Elevated Walk Way & Lighting Study, as received 17/12/21 at 1438 hours
 Fast Charging Solo 3 - Freestanding Mount Datasheet Ref PP-D-200094-3, as received 17/12/21

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

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 granted on 15/03/2018 under reference number 170326, 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 - e.g. 190793/NMA as agreed on 27/06/2019, 191974/NMA as agreed on 12/03/2020, 201602/NMA as agreed on 08/12/2020, 211462/NMA as agreed on 23/09/2021, and 211701/NMA as agreed on 16/12/2021) 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 the application under the non-material amendment procedure within the agreed extended timeframes.

4. As a result of the additional EV charging points hereby approved and Natural Environment officer comments in terms of Block A1 boundary wall works, it is acknowledged that this will necessitate updated landscaping (condition 26) details to be separately submitted / discharged (beyond application 200476/APPCON determined on 07/01/2021). It is advised that no EV charging points (and works associated with their installation) should be installed until such details have been submitted / approved. This is as per correspondence during the course of this application.
5. It is noted and acknowledged that some of the plans submitted show all of the various NMA changes approved since the original permission. This is useful in showing what is actually intended to be implemented and demonstrating the cumulative impact of all changes. It is also noted that this permission nevertheless relates only to the non-material amendments sought and described above, as per informative 1 above.