

DELEGATED APPLICATION REPORT

Address: 11-12 Market Place, Reading

Application No: 220599/NMA

Proposal: Non material amendments to planning permission 211808 (granted on 1/4/22 for 4th floor extensions and associated works) to alter the timing for submission of details in relation to condition 4 (BREEAM).

Applicant: International Mobility Limited

Date received: 24/04/2022

Target Decision date: 01/06/2022

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site comprises 11 - 12 Market Place, the upper floors of which formed part of the former NatWest Bank offices, which closed on 16th January 2020. At ground floor is an existing retail unit. Access to the upper floors is gained via a front entrance onto Market Place.
- 1.2 The application site building is unlisted, but is located within Market Place / London Street Conservation Area. Within the Market Place / London Street Conservation Area Appraisal the application site building is NOT identified as a building of townscape merit. The neighbouring building to the north (former Nat West Bank at 13-16 Market Place) is Grade II listed. Market Place is specified as a significant open space and there are specified important views from the south looking north / north-west through Market Place. There are a variety of listed buildings / structures surrounding Market Place, including opposite the site to the west. Similar to the host building, the neighbouring (to the south) 9-10, 6-8 and 4-5 Market Place are all unlisted / not identified as being of townscape merit.
- 1.3 The site is within the Central Reading Area, within the following areas:
 - Designated primary frontage in Central Reading (Policy CR7)
 - Abbey Quarter Area (Policy CR15)
 - Within the primary shopping area (Policy CR1)
 - Within the office core (Policy CR1)
 - Within the central core (Policy CR1)
 - Within an area of archaeological potential (Policy EN2)
 - Within an air quality management area (Policy EN15)
 - Within a smoke control zone
- 1.4 In addition, the following is also of relevance:
 - Market Place is part of the classified highway network (Policy TR3)
 - Market Place is part of a cycle route (Policy TR4)
 - Land directly to the south of the site is allocated in the Local Plan under Policy CR14e (3-10 Market Place, Abbey Hall and Abbey Square), for retail and related uses at ground floor and residential/offices on the upper floors, designed to enhance the conservation area and possibly provide a pedestrian link between Market Place and Forbury Square / Abbey Square, rear servicing and preservation of historic building line.

2. The Proposals

- i. Non-material amendments to permission planning permission 211808 (granted on 1/4/22 for 4th floor extensions and associated works) are sought to alter the timing for submission of details in relation to condition 4 (BREEAM). More specifically, it is sought for the trigger point to be the 4th floor works, rather than any works. This is sought as the application wishes to commence the window and associated works to the other floors of the building as soon as possible and the timescales associated with issuing the BREEAM interim certificate following submission. Accordingly, it is sought for changes to be made to the wording of condition 4 (changes shown by ~~strike throughs~~ [removals] and **in bold and underlined** [additions]) to facilitate this, as follows:

No development shall commence ~~on-site~~ **to the fourth floor** until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and approved in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019.

Public Consultation

- ii. Neighbour Consultation

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

- iii. 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

None required.

4. Plans Considered

None required in this specific instance.

5. Relevant Planning History

- i. 211808 - Front and rear extensions (Class E office space) at fourth floor level, replacement and enlarged upper floor windows on north (side), east (rear) and west (front) elevations, new upper floor windows on south (side) elevation and replacement rooflights above the first floor (rear) level (amended description). Granted 01/04/2022.

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. Officers consider that the proposed change to the wording of the condition (as described and explained in the proposals section above) can be made through the non-material amendment procedure. More specifically, it is considered that the BREEAM assessment was required owing to the 4th floor extensions, so it follows (reasonably) that the condition can relate specifically to the 4th floor works, rather than any works (as is the standard approach, which it is noted was agreed by the applicant at the time of the application). This change has come about once the applicant has investigated the time periods associated with BREEAM feedback and their desire to commence the window works on the lower floors of the building. The alterations to the wording of the condition does not dilute the substance or requirements of the condition, but alters the trigger point to allow flexibility and enable development to commence sooner in practice. In addition, the altered condition continues to pass the six tests of a condition. Accordingly, it is agreed that the alterations to the wording of the condition are acceptable and, moreover, can be made through the non-material route owing to their nature and form. As such, this conclusion is partly reached owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed change 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. However, this is the first NMA sought as part of the original permission and therefore any future NMAs would need to consider the context of this NMA.
- ii. An informative is recommended which states each case shall only be read in the context of the substantive full permission, and is bound by all the conditions attached to the substantive permission. A further informative is recommended which states: In reaching this decision, the local planning authority is satisfied that the change proposed by this application does not constitute material changes to the approved planning permission.

10. Conclusion

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

Recommendations

Grant Non-material amendment

REPLACEMENT CONDITION 4

No development shall commence to the fourth floor until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and approved in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019.

Informatives:

1. This permission relates only to the non-material amendment sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 01/04/2022 under reference number 211808, 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 statutory timeframes.