

DELEGATED APPLICATION REPORT

Address: 47 Oxford Road, Reading

Application No: 220433

Proposal: Non-material amendments to permission 180823 (granted on 13/09/2018 for subdivision and change of use of a single unit to form 5 units and associated works) to alter the subdivision layout and align the approval with the as-built scheme (sought retrospectively).

Applicant: Moorgarth Group Limited

Date received (valid from): 25/03/22

Target Decision date: Originally 22/04/22, but an extension of time was agreed with the applicant until 29/04/2022 (following email correspondence on 13/04/2022)

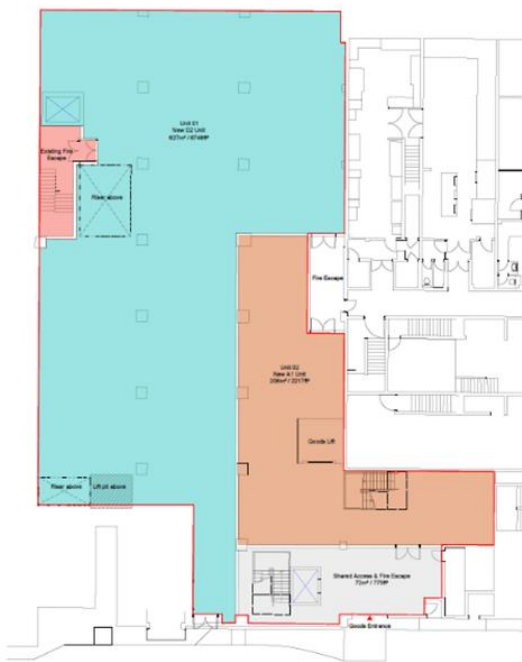
Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

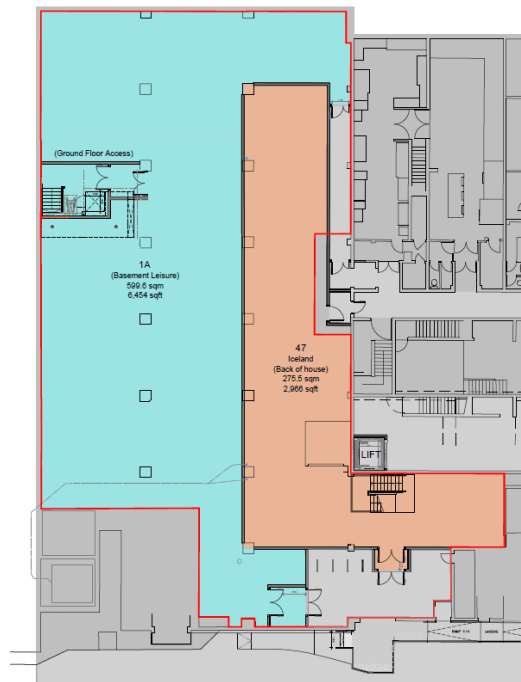
- i. The application site comprises a former single retail unit, which under permission 180823 has been sub-divided into five separate planning units. It is located on the junction of Oxford Road and Queens Walk within Broad Street Mall and extends over basement, ground and first floor level. The units are in the north-west corner of the wider Broad Street Mall.
- ii. The application site is located within the West Side Major Opportunity Area of the Reading Local Plan (Policy CR12). More specifically it is within the Broad Street Mall sub area (Policy CR12d). The site is also within the designated primary shopping area, office core, central core, tall buildings cluster (western grouping) and an air quality management area. The Oxford Road part of the site is a designated active frontage (Policy RC10), but the Queens Walk frontage is not. Oxford Road is also a designated cycle route, while Queens Walk is a key movement corridor (pedestrian and/or cycle, as per figure 5.4 of the Local Plan). The application site is located outside of a conservation area, with the nearest listed building being on the opposite side of the road at 3-5 Cheapside / 38 Oxford Road.
- iii. The surrounding area comprises a mix of uses. To the north are a variety of retail and related uses at ground floor level of units fronting Oxford Road / Cheapside, with some residential uses on the upper floors. To the east and south is the remainder of the Broad Street Mall shopping centre / multi-storey car park and Fountain House office building (accessed from Queens Walk). To the west is Queens Court student accommodation and two hotels (Penta Hotel & Travelodge).

2. The Proposal

- i. Non-material amendments to permission 180823 (granted on 13/09/2018) are sought. More specifically, these seek to alter the internal layout of the five planning units which were approved under 180823. The applicant has specified that the layout seeks to align the approval with the as-built scheme, and by consequence, the non-material amendment is sought retrospectively to effectively regularise a situation which has occurred. In practice, the five units are still sought on the same floors of the building as approved, but there have been some changes, most notably:
- Increase in retail floorspace at basement floor level for unit 2 (and resultant reduction within unit 1)
 - Reduction in shared space at basement floor level and resultant increase in floorspace for unit 1
 - Relocation of the ground floor entrance for Unit 4 from Queens Walk to the corner of Queens Walk / Oxford Rd (in place of Unit 1)
 - Relocation of the ground floor entrance for Unit 1 from the corner of Queens Walk / Oxford Rd slightly to the south, so it is solely on the Queens Walk frontage (in place of shared space)
 - Increase in size of Unit 3 and width of frontage onto Queens Walk (in place of the approved Unit 4 frontage)
- ii. The totality of the changes are more clearly shown when comparing the approved and proposed floor plans:



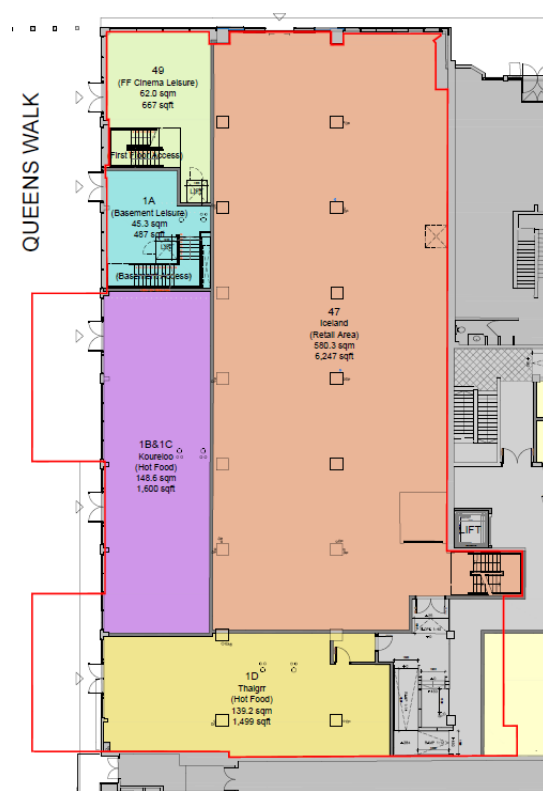
180823 Approved basement



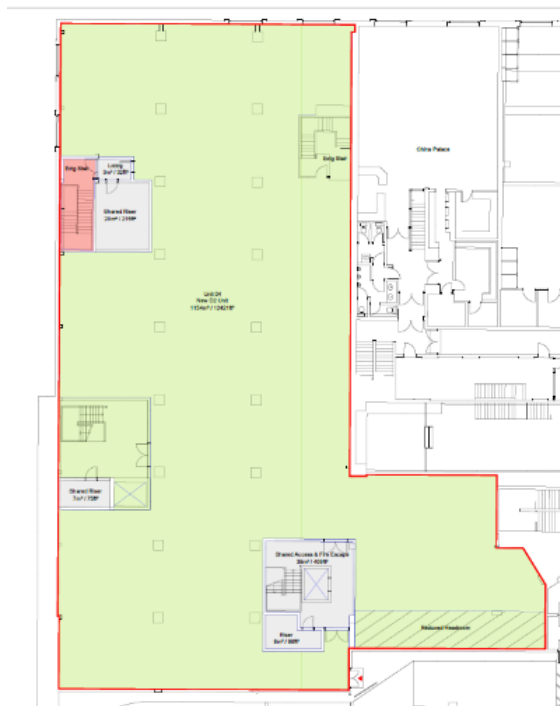
220433 Proposed basement



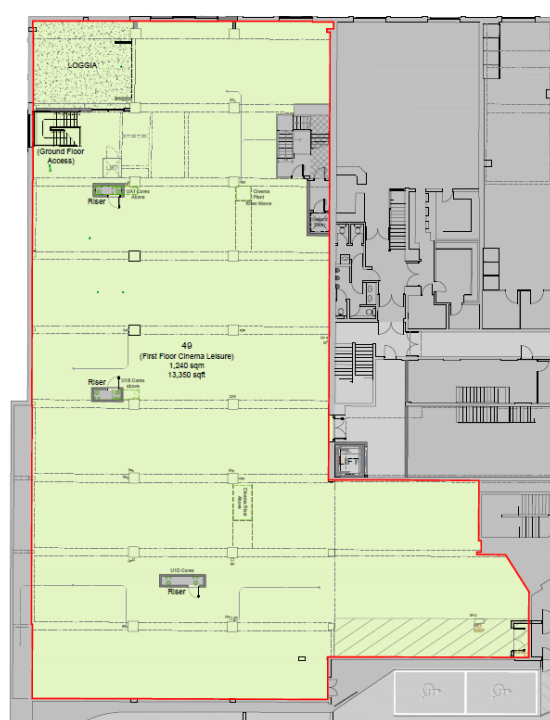
180823 Approved ground floor



220433 Proposed ground floor



180823 Approved first floor



220433 Proposed first floor

- iii. Following clarifications during the course of the application (following initial officer feedback raising queries, as the red-line areas did not correspond on the approved and proposed plans) the footprint of the red-line boundary on a floor-by-floor basis is identical in the proposal when compared with the original permission. In floorspace terms the changes are summarised as follows:

Unit	Approved floorspace (sqm)	Proposed / implemented floorspace (sqm)	Change in floorspace (sqm)
Unit 1 - basement & GF - Class D2	627 + 55 = 682	600 + 45 = 645	- 37
Unit 2 - basement & GF - Class A1	206 + 575 = 781	276 + 580 = 856	+ 75
Unit 3 - GF - Class A1/A3	74	149	+ 75
Unit 4 - GF & FF - Class D2	44 + 1154 = 1198	62 + 1240 = 1302	+ 104
Unit 5 - GF - Class A1/A3	143	139	- 4
Shared ancillary & fire escapes	94 + 141 + 86 = 321	51 + 57 = 108	- 213
Total	3199	3199	0

- iv. Accordingly, it is seen that the majority of the differences in floorspace totals are as a result of the rationalisation of the shared ancillary and fire escape areas, which are now largely consumed within one of the five units. The changes in floorspace amount to 254sqm in totality, which represents 8% of the total 3199sqm floorspace across the application site.

3. Consultation

i. Neighbour Consultation

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

ii. Chair & Vice Chair of the Planning Application Committee and Abbey 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.

4. Plans & Documents Considered

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

PL-01 Rev B - Unit Location Layout Basement Layout

PL-02 Rev B - Proposed Layout Ground Floor

PL-03 Rev B - Proposed Layout First Floor

Argos Corner Broad St Mall, Reading - As Built Areas Ref 15116 Rev A

As received 14/04/2022

5. Relevant Planning History

180823/FUL - Subdivision of three-storey retail unit (Class A1) and change of use to form: 1x retail unit (Class A1) at part basement / part ground floor; 2x flexible retail or restaurant units (Class A1/A3) at ground floor level; and 2x assembly & leisure units (Class D2) - 1 at part

basement / part ground floor & 1 at part ground, part first floor level, together with shared access and means of escape; associated replacement shopfront works and associated external alterations on Oxford Road and Queens Walk frontages. Granted following completion of s106 legal agreement 13/09/18.

180824/ADV - Display of 4 canopy awnings with tenant names on Queens Walk. Granted 23/07/18.

181613/FUL - External alterations comprising the installation of replacement shopfront and entrance at ground floor, and installation of two fixed windows and two bi-folding windows at first floor. Granted 2/11/18.

181774/APPCON - Discharge of condition 12(i) (BREEAM) of planning permission 180823 dated 13/09/2018. Discharged 25/10/18.

190254/APPCON - Discharge of condition 5 (cycle parking) and condition 8 (noise) of planning permission 180823. Condition 5 discharged. Condition 8 discharged only in relation to the Iceland (unit 1) retail unit at part basement, part ground floor level. If further mechanical plant is required to serve other units allowed under permission 180823 further noise assessments are required to be submitted prior to further plant being installed in accordance with this condition. 15/04/2019.

190398/APPCON - Discharge of condition 12(ii) (BREEAM) of planning permission 180823 dated 13/09/2018. Discharged 22/03/19.

190631/NMA - Non material change to planning permission 181613 FUL for removal of permitted bi-folding window and retention of an existing window with new glazing at first floor on the Oxford Road elevation; and the retention of an existing window with new glazing at first floor on the Queens Walk elevation. Agreed 15/05/19.

190832/APPCON - Formation of an open loggia at first floor level on the corner of Oxford Road and Queens Walk by replacing glazing with guarded opening and enclosing the cinema lobby at the back of the proposed loggia. Discharged 18/11/19.

191359/NMA - Non material change to planning permission 181613 FUL for removal of solid brick facade and replacement with glazing at ground floor on the Queens Walk elevation and amendments to the glazing panels within shopfronts at ground floor on Queens Walk elevation. Agreed 23/9/19.

210713/ADV - Fascia signage, logo signage and hanging sign. Granted 5/7/21.

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

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

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

9. Appraisal

- i. In seeking to justify the proposals the applicant has explained:

Throughout the development some changes have been requested following the engagement with tenants, updates to the internal layout have been made to create spaces which are suitable for end users. As the scheme nears completion we look to align the original planning approval with the current as-built layout. As internal walls locations have been adjusted from the original planning approval, the unit areas have also been updated. The overall gross internal area (GIA) remains unchanged and no additional space has been created, therefore we view these changes as 'non-material'.

- ii. Officers acknowledge that the detailed discussions with actual tenants would facilitate some bespoke requirements which could facilitate changes, and in the context of the original permission spanning across five units within a shopping centre setting, this is not particularly rare or contentious in itself. More specifically, as per the original description of development, five units are still proposed and these are still located at the floors of the building specified within the original permission. As detailed within the proposals section above the vast majority of the changes are through the rationalisation of the ancillary space being consumed within individual units and the relocation of some of the frontages along Queens Walk. The relocation of the two units which are split level to the closest locations with the corner with Oxford Road is a reasonable approach in terms of assisting the vitality and viability of the units, while the increase in street frontage of Unit 3 is likely to assist that unit too. In sum the remodelling of the spaces involves 254sqm of the total floorspace, and when considered within that context can be considered as non-material changes. It is therefore not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities, or any other intentions of the scheme.
- iii. 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. In this specific instance there have been no previous non-material amendments approved at the site which relate to the 180823 permission (other NMA applications have been agreed in relation to separate permission 181613 - see relevant history above).
- iv. An informative is recommended which states that this permission relates only to the changes specified on the plans 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 planning permission.

10. 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 (sought retrospectively)

The drawings hereby approved as non-material amendments to 180823 are as follows:

PL-01 Rev B - Unit Location Layout Basement Layout

PL-02 Rev B - Proposed Layout Ground Floor

PL-03 Rev B - Proposed Layout First Floor

As received 14/04/2022

Reason: To clarify which plans are approved and in the interests of proper planning.

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 13/09/2018 under reference number 180823, 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 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 agreed extended timeframes.