



RIDGE

**NON-MATERIAL AMENDMENT
APPLICATION
LAND BETWEEN WELDALE
STREET AT CHATHAM STREET,
READING
ROPEMAKER PROPERTIES
March 2022**

PLANNING STATEMENT
NON-MATERIAL AMENDMENT APPLICATION
LAND BETWEEN WELDALE STREET AND CHATHAM STREET, READING

March 2022

Prepared for
Ropemaker Properties

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Appendix 1 – Proposed drawing list for Condition 2

1. INTRODUCTION

- 1.1 This Statement has been prepared by Ridge and Partners LLP on behalf of Ropemaker Properties Ltd to support a non-material amendment application to amend the description of development of planning permission 170326 which was granted in March 2018. It also seeks to amend the list of plans and drawings contained at Condition 2 of that permission, as well as an amendment to the wording of condition 49 (as added via NMA application reference 191974), and an updated Energy Strategy to be referred to alongside the original Energy Strategy at Condition 38 of permission 170326.
- 1.2 The overall permission was implemented in March 2020 with Blocks A1 & A2 of the overall scheme nearing completion of development. The development of Blocks B1 & B2 is now to follow, and this application is submitted to enable some non-material amendments to Block B1 & B2 of the proposals prior to the commencement of this part of the development.
- 1.3 The amendments proposed are essentially to facilitate the provision of additional internal amenity space for the future residents of Blocks B1 & B2, similar to that already approved for Blocks A1 & A2 under NMA application reference 191974 in March 2020. The amendments also include an updated Energy Strategy for Blocks B1 & B2 only, which will result in an improvement from a sustainability perspective compared to the originally approved proposals.
- 1.4 This application is submitted with the following supporting information:
- Relevant application forms
 - Updated plans and drawings prepared by AWW architects.
 - Design Statement containing a summary of the proposed amendments prepared by AWW Architects.
 - Updated Daylight and Sunlight Assessment, prepared by Hydrock/
 - Updated Energy Strategy in relation to Blocks B1 & B2, prepared by Hydrock.

2. PLANNING HISTORY

2.1. The key planning history of relevance to the proposals is summarised in chronological order below:

- **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). Approved following completion of s106 legal agreement 15 March 2018.
- **190793** - 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). Approved 27 June 2019.
- **191974** - 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). Approved 12 March 2020.
- **201602** - 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). Approved 8th December 2020.
- **211462** – variation of condition 40, altering the trigger point for submission of public art details. Approved 23 September 2021.
- **211701** – 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. Approved 16 December 2021.
- **211931** - 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. Approved 16 February 2022.

3. THE PROPOSAL

- 3.1. The application proposes some non-material amendments to planning permission 170326 granted on 15/03/2018, and as previously amended by Section 96A Application 191974.
- 3.2. The site is located between Weldale Street (to the north), Caversham Road (to the east) and Chatham Street (to the south).
- 3.3. As set out in below, the proposals are to essentially introduce a shared internal amenity space in the form of a resident's lounge and ancillary gym area on the ground floor of Block B2, as well as the reconfiguration of the reception area. Full details of all the proposed amendments are contained in the report prepared by AWW which accompanies this application, but a summary of the key amendments is set out below.

Amendments to Housing Mix

- 3.4. The main aim of the proposals is to introduce shared internal amenity space and a double height ceiling reception area on the ground floor. This will result in the loss of 3no. apartments on the ground floor of Block B2, as well as 1 no. apartment on the first floor of Block B2 to accommodate the double height ceiling space for the reception area. There are no changes proposed to the number of units in Block B1.
- 3.5. The units to be lost are all private units and relate to the loss of 2x1-bed, 1x2-bed and 1x3-bed units. The proposals therefore take the total number of units across the overall scheme from 422 (as approved under NMA ref 191974) to 418 dwellings.
- 3.6. The very minimal change in the mix compared to that approved under application ref. 191974 is shown in the table below:

	1-bed	2-bed	3-bed	Total
Approved NMA ref. 191974	231 (54.74%)	180 (42.65%)	11 (2.61%)	422
Proposed NMA	229 (54.78%)	179 (43.06%)	10 (2.63%)	418
Changes	- 2 (0.04%)	- 1 (0.41%)	- 1 (0.02%)	- 4 (0.95%)

- 3.7. No additional floorspace is to be created by the proposals. The 184sqm flexible commercial area on the ground floor (originally approved for Class A1 retail or Class A3 Restaurant or Café Floorspace under the previous Use Classes Order) is proposed to be replaced with a gym. This is similar to the

approved NMA application for Blocks A1 & A2 which enabled the provision of a gym within those blocks.

- 3.8. As a result of these changes, this application seeks to amend condition 49 to refer to the proposed revised housing mix detailed in this Statement. Condition 49 currently states:

"No change to the unit mix (231 x 1-bed, 180 x 2-bed & 11 x 3-bed residential units) shall be made to the development hereby permitted without written approval from the Local Planning Authority."

- 3.9. The proposed change to the description of development would not affect the provision of affordable housing units to be provided as part of the permitted development because the planning obligation requires that a specified number of such units be provided, and the definition of "planning permission" includes a permission that has been changed under section 96A.

Change to the Description of Development

- 3.10. The amends described above will also result in a change to the description of development to planning permission 170326 (as amended under 191974). The following revised wording is suggested:

"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 ~~422~~ 418 residential units (Class C3), ~~associated internal amenity space & 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."

- 3.11. Amendments shown in red, underlined for insertions and ~~struck through~~ for deletions.

Amendments to external elevations

- 3.12. As set out in the accompanying report prepared by AWW Architects, some very minor changes are proposed to the external elevations as a result of the proposed amendments to the internal layout. These changes are detailed in full in AWW's report but are predominantly minor fenestration updates including the introduction of a double height entrance lobby with additional glazing on the west elevation, similar to that approved for Blocks A1 & A2 under the NMA application 170326. More generally, there are some very minor changes to glazing and fenestration details to the other external elevations, as detailed in AWW's report.

- 3.13. Solar PV panels are also proposed to be installed on the roof of Blocks B1 & B2 as well as railing protection around the edge of the roof. A similar scheme for the addition of PV panels and railings has already been approved for Blocks A1 & A2 under NMA application reference 201602.

- 3.14. Solar PV can be used to provide a low maintenance method of onsite electricity generation. These have a very low visual impact and when installed at a low pitch cannot be seen from street level. Approx. 225m² of south facing PV panels are proposed to be installed on the roofs of Blocks B1 and B2. PV's can contribute significantly to the site energy reduction requirements and reductions in carbon emissions and operating costs.
- 3.15. The Sustainability Statement submitted as part of the original application (ref: 170326) and detailed within the condition 38 of that permission states at 4.1.4 that "*Depending on the final construction and access to the roof there may be an opportunity to install a solar PV array on the roof to reduce the electrical requirement of the landlord areas*". More detailed design work has demonstrated that it is possible to install a PV array on Blocks B1/B2 and this non-material amendment seeks to allow for this. Overall, the proposed PV panels are considered to have a positive impact on the sustainability credentials of the development and the proposal is still considered to accord with the Sustainability Statement and requirements of condition 38.
- 3.16. Finally, a blue/green roof is also proposed as show on the revised submitted roof plan. This is shown indicatively on the submitted plans, and the intention is that full details will be supplied when the remainder of condition 34 is submitted for approval for Blocks B1 & B2.
- 3.17. Overall, the proposals do not propose any changes to the footprint, scale, bulk, mass, appearance and materials of the buildings comprising the overall scheme.
- 3.18. As set out in Section 96A of the Town and Country Planning Act, a non-material amendment gives the power to add conditions or remove or alter conditions. In light of the amendments proposed as part of this Section 96A application, a number of the previously approved plans referred to in Condition 2 need to be substituted. The approved plans to be substituted are detailed the table contained at **Appendix 1** of this Statement, along with the proposed amended drawings to be referenced as detailed in the final column.

Energy Strategy

- 3.19. Finally, Hydrock has also recommended that to further reduce carbon emissions, whilst also simplifying the heating strategy, a decentralised hot water air source heat pump approach is applied to Blocks B1 & B2 along with the provision of solar panels, thereby providing readiness for a future decarbonised UK grid. An updated Energy Strategy report is therefore submitted with this application which details the proposed changes to Blocks B1 & B2 only.
- 3.20. The change in strategy has required amendments to the Proposed Lower Ground Floor Plan where the CHP plant has been removed and the floorplan design slightly reconfigured in this area to accommodate localised air source heat pumps.

3.21. Finally, 50% EV charging spaces are now proposed for the parking spaces at lower ground floor, resulting in a 40% enhancement from the originally approved proposals, as identified on the accompanying updated Lower Ground Floor Plans.

4. ASSESSMENT OF THE PROPOSALS

4.1. Section 96A of the Town and Country Planning Act 1990 provides:

“(1) A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

(2) 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 or permission in principle as originally granted.

(3) The power conferred by subsection (1) includes power to make a change to a planning permission

—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

(5) An application under subsection (4) to a local planning authority in England must be made in the form and manner prescribed by development order.”

4.2. The Town and Country Planning Act 1990 therefore provides a means by which a local planning authority can make any change to a “planning permission”. The Court of Appeal in the Fulford case has ruled that “planning permission” encompasses the whole of a planning permission. Therefore, the statute allows for changes to be made to the description of the development and also to the actual conditions to which a permission was made subject, and also to future conditions that may emerge, for example, on a reserved matters application.

4.3. The power is, therefore, very wide and the section could be used to change any planning permission for any proposal, however large, small, complicated, or simple, and so long as the change is to the planning permission. The Court of Appeal in Finney recognised that that its width was wider than the power under section 73 (concerning conditions) and has advised that section 96A be used where changes to the description of development are proposed, provided the change is non-material, which is a matter of planning judgment.

4.4. The Planning Practice Guidance (PPG) also gives guidance as to the matters which can be taken into consideration by the local planning authority when considering whether a change is material or non-

material, as set out below. This is found within the section headed “*Flexible options for planning permission*”. The PPG provides:

Is there a definition of a non-material amendment

There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme –an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Paragraph: 002 Reference ID: 17a-002-20140306

What does the local planning authority have to take into account when making its decision?

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

Paragraph: 008 Reference ID: 17a-008-20140306

- 4.5. As such, the determination of this application should be on the actual effect of the proposed changes in practice and whether the overall scheme can still be constructed pursuant to the original planning permission, or whether it is materially changed by the proposed amendment. The proposals should not be assessed on the basis of their planning merits and the consideration of planning policies does not therefore apply. Overall, as set out below, it is considered that the applications proposals, coupled with earlier changes made, would not materially alter the approved development proposals.
- 4.6. In this regard, it has been identified above that the proposals will result in the loss of 4 residential units, resulting in a reduction in the overall number of units from 422 to 418. In the context of the overall number of dwellings granted originally, it is not considered that this change can be said to be a material change to the permission as a whole. The overall percentage change in the overall number of units and the mix of those units is clearly minimal, as identified in the table in section 3 of this Statement. It is also noted that when considering the previous NMA application in respect of Blocks A1 and A2, Officer’s stated:

“... whilst noting it is unusual for an application to subsequently seek to provide fewer units than originally approved, in this case the ancillary facilities would improve the overall standard of accommodation for the occupiers of this block as a whole. Therefore, officers are content

that the changes can be agreed and it is appropriate for them to proceed under the non-material amendment route in this instance."

4.7. The loss of the commercial/retail space requires an update to the description of development. However, it is noted that the Business and Planning Act 2020 introduced a significant change to the Use Classes Order whereby Classes A1 to A5, B1, D1 and D2 were revoked and Use Class E of the Use Classes Order 1987 (as amended) now covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) under the one use class. As such, the use of the area previously identified for flexible retail/commercial use could now reasonably be used as a public gym given that they fall under the same use class. Planning Permission is not required to change between any of the uses within the new Class E. Whilst the gym is proposed as an ancillary gym to the residential use, it is considered that this fact still further demonstrates that the change in use could be considered to reasonably constitute a non-material change to the proposals.

4.8. In addition, there are a number of existing convenience retail and food stores located within walking distance of the site already, for example:

1. Sainsburys, Friar Street = 9-minute walk
2. Tesco Express, Oxford Road = 10-minute walk
3. Friars Convenience Store, Friar Street = 11-minute walk
4. Lidl, Oxford Road = 12-minute walk
5. Aldi, Vastern Court = 12-minute walk
6. M&S Foodhall, Friar Street = 13-minute walk
7. Tesco Express, Tilehurst Road = 13-minute walk

4.9. As such, the market for convenience retail is already quite saturated in the area. There also many Cafés and Restaurants within a 10-minute walk of the site, particularly along Friar Street and the surrounding area. Furthermore, following a combination of the wake of the coronavirus, further shifting spending habits online and working from home, as well as a focus on health and well-being etc. it is considered that the loss of the proposed 184sqm retail/café floorspace cannot be considered significant or material in the context of the overall proposals.

4.10. In addition, it is noted that when considering the original planning application ref.170326, the Officer's report commented at paragraph 6.4:

"The proposed Class A1/A3 unit is located at the prominent south-west corner entrance of the site, which would enliven the streetscene at this point and is envisaged to meet local needs. In relation to the flexible nature of the proposed 184sqm of Class A1 or A3 floorspace (and thus also Class A2 under permitted development rights), this enables a degree of flexibility to the applicant to assist in seeking to attract a future occupier to the unit. An occupier has not

been specified at this time by the applicant, but the open plan nature and location of the space means it is considered to be as attractive as possible to a range of occupiers."

- 4.11. Therefore, flexibility for the retail/commercial floorspace element of the proposals was always anticipated and it is also clear that one of the main focuses was for this area to provide an active frontage in this area. The proposals for a gym in this location instead will also not impact the active frontage compared to the previous proposals, and an enlivened street scene in this area will therefore still be achieved.
- 4.12. The addition of the double height reception space results in a larger expanse of glazing on the west elevation. Again, this amendment cannot be said to be material in the context of the scheme as a whole given that it does not change the overall design ethos of the scheme. Further, it is noted that a similar proposal was approved for Blocks A1 & A2 under NMA application 191974 where Officers concluded in their report that *"The design changes (e.g. entrances and alterations to windows/door patterns) do not alter the architectural language of the scheme and, within this context, are considered appropriate."* This conclusion is considered equally applicable to the fenestration and glazing changes proposed via this NMA application which are very similar in nature.
- 4.13. Overall, it is considered that when taking account of the PPG which requires the change to be considered against the "overall scheme", the proposed changes set out as part of this NMA application, would result in a change that is not material to the overall scheme. The loss of 4 open market units represents only a 0.95% reduction in units across the scheme, there is also no impact on affordable housing and a negligible change to the mix of accommodation type.
- 4.14. It is also worth noting that the nature of this application is similar in nature to application 191974 which enabled similar amendments to Blocks A1 & A2, including a reduction in units and a change to the description of development.

5. CONCLUSION

- 5.1 This Statement has been prepared by Ridge and Partners LLP on behalf of Ropemaker Properties Ltd to support a non-material amendment application to amend the description of development of planning permission 170326 which was granted in March 2018. It also seeks to amend the list of plans and drawings contained at Condition 2 of that permission, as well as an amendment to the wording of condition 49.
- 5.2 The overall permission was implemented in March 2020 with Blocks A1 & A2 of the overall scheme are nearing completion of development. The development of Blocks B1 & B2 is now to follow, and this application is submitted to enable some non-material amendments to Block B1 & B2 of the proposals prior to commencement of development. The amendments are essentially required to facilitate the provision of additional internal amenity space for the future residents of Blocks B1 & B2, similar to that already approved for Blocks A1 & A2 under NMA application reference 191974 in March 2020.
- 5.3 Overall, this Statement has identified that the proposals can be reasonable said to constitute a non-material amendment for the following reasons:
- The proposed change to the number of units to be delivered as part of the proposals (a difference of 4 units) equating to 0.95% of the total number of dwellings permitted across the site within the overall scheme;
 - In terms of the overall unit mix, there would be a minute percentage difference within the described mix of units including a 0.04% change in 1-bedroom, a 0.41% change in 2-bedroom units and a 0.02% change in 3-bedroom units proposed across the overall scheme;
 - There would be no change in the number of affordable housing accommodation units permitted because that number is fixed by a planning obligation and not dependent on a formula derived from the overall number of units permitted;
 - The loss of 184sqm of flexible retail/café space is not material in the context of the overall permission, and the flexibility that was afforded to the provision of the floorspace as part of the original planning permission. A retail to gym also now constitutes PD, although it is acknowledged that this gym will be ancillary to the residential use and therefore this doesn't directly apply but it is still a consideration. It has also been demonstrated that there is already a large variety existing retail and café floorspace within walking distance of the site, therefore the loss of the proposed retail/café space is not considered material in this regard;
 - Externally, the amendments to the fenestration proposed by this application will not impact the overall scale, bulk, mass, or appearance, of the approved scheme;

- The addition of Solar PV Panels at the roof and the associated safety rails will have a very low visual impact. The PV panels can be installed at a low pitch cannot be seen from street level. The PV panels can contribute significantly to the site energy reduction requirements and reductions in carbon emissions compared to the originally approved Energy Strategy. Proposals for the addition of solar panels of Blocks A1 & A2 were also previously considered by the Council to constitute a non-material amendment under application ref.201602 in December 2020; and
- The addition of 50% of parking spaces with EV chargers also represents a sustainability enhancement compared to the currently approved proposals.

5.4 Therefore, having regard to the Planning Practice Guidance, which requires that what is “not material” will be dependent on the context of the “overall scheme” and the guidance on the use of section 96A in Fulford, it is clear that in this case the proposals are not material and, therefore, the local planning authority can properly consent to this S96A application, and grant the changes proposed.