

DELEGATED APPLICATION REPORT

Address: 57 Baker St, Reading

Application No: 211903/NMA

Proposal: Non-material amendments to permission 180624 (granted on 06/02/2019 for the erection of 2 buildings to provide 9 residential units) to alter the finished floor levels and window head heights at plots 7-9.

Applicant: Mr Green

Date received (valid from): 15/12/2021

Target Decision date: 12/01/2021

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site comprises a vacant backland 'L' shaped site accessed off Baker Street. The site was formerly in light industrial use with the buildings, workshops and garages demolished to ground level in the past decade following the granting of listed building consent in 2009. At the time of the officer site visit for the original application the site was relatively flat but overgrown in places with vegetation. The site is however secured by virtue of existing gates off Baker Street and the various site boundary walls/fences around the perimeter of the site. These bound the site with predominantly residential properties which front onto Baker Street (to the north), Jesse Terrace (to the east), Epping Close (to the south) and Russell Street (to the west).
- 1.2 The application site no longer contains any listed buildings, but is located within Russell Street / Castle Hill/Russell Street/Oxford Road Conservation Area. Within the Conservation Area Appraisal (March 2020) the site is within the 'Russell Street and streets east' character area. One of the negative features of the sub-area, as detailed at section 6.3.6 of the appraisal is "Brownfield site behind 55 Baker Street".
- 1.3 The adjacent listed No. 55 Baker Street building is a 3-storey stucco building from circa 1840, now split into flats. A tablet on the wall says that this house was "Fox Talbot's Reading Establishment 1844-45". A pioneer photographer and associate of Fox Talbot's, Nicholas Henneman, also lived there. There are also some further nearby Grade II listed buildings, such as No's 33-39 (odd) Baker Street to the north-east and No. 41 Russell Street to the north-west. Beyond the more traditional housing located on Baker Street, Jesse Terrace and Russell Street, to the south are the more contemporary flatted developments within Epping Close (which paragraph 6.3.7 of the Conservation Area Appraisal identifies as a building presenting opportunities for enhancement).
- 1.4 The application site is also located within an air quality management area and part of the site (where works were previously located) is identified as potentially containing contaminated land. There are a number of significant trees within and close to the site, such as sycamores close to the north and east boundaries and a horse chestnut beyond the southern boundary. The application site is located outside of the designated Central Reading area, with the nearest boundaries being Oxford Road to the north and the Inner Distribution Road to the east.

2. The Proposals

- i. Non-material amendments to permission 180624 (granted on 06/02/2019 for the erection of 2 buildings to provide 9 residential units) to alter the finished floor levels and window head heights at plots 7-9. More specifically, this involves these elements rising by 0.3m, but there is

no change in the eaves or ridge height of the building. No changes are proposed to the plot 1-6 building.

- ii. The agent for the applicant outlines that the proposed change is a result of design development now that a new architect has taken over the project. More specifically, the agent has specified:

Plots 7-9 are in a root protection zone which means we cannot excavate any of the soil. However the previous architects when designing the scheme had not factored this in and showed the finished levels of the house to be the same as the asphalt level on site whilst allowing for 900mm of excavation below. This was an error as this is not possible to do without interfering with the root protection zone which we aren't prepared to do.

Consequently we have had to move everything up to try and overcome this error. We spent a lot of time reviewing different methods and have managed to reduce the thickness of the concrete slab, insulation and screed along with lowering all the floor to ceiling heights within the houses, so that the floor levels change but not the overall height. The fact it is not in close proximity to neighbouring properties we felt it is a workable solution to overcome a design flaw whilst having no real impact on the scheme.

- iii. It is relevant to note that trees within the rear amenity spaces of plots 7-9 were specifically referenced as being retained (and needed to be carefully managed) when the original application was considered at Planning Applications Committee. However, condition 17 (AMS and TPP) inadvertently discharged a plan showing these trees being removed (ref 200119). Subsequently though, the landscaping details approved under application 201159 (condition 18) importantly approved the retention of the trees, as originally intended. This application also shows the retention of the trees, which is welcomed and supported by officers.
- iv. Prior to the registration of this application a revised section plan was sought/received to clarify some ambiguities regarding the heights/levels of buildings proposed at the site. The initial plans appeared to show the entire buildings increasing in height, contrary to the commentary in the supporting statement. An updated plan received on 15/12/21 confirmed there were no height changes in terms of the overall eaves/ridge height of the building, but instead (as initially stated by the applicant) the changes relate only to the finished floor levels and window head heights at plots 7-9. Some ambiguities in terms of replacement plans seeking to update some already discharged conditions (as per the agent's original supporting letter) were also clarified prior to the registration of the application.

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.

No responses received.

4. Internal / External Consultations

- i. Internal - none required
- ii. External - no statutory requirement.

5. Plans Considered

- i. The applicant has submitted the following (replacement for original permission 180624) plans:

501-003-04 Rev A Plots 7-9 Proposed Site Plan, as received 24/11/2021
503-103 Rev 06 Elevations, Sheet 1 (Plots 7-9), as received 24/11/2021
503-104 Rev 05 Elevations, Sheet 2 (Plots 7-9), as received 24/11/2021
66710-18-5 Rev C Plots 7-9 Floor Plans & Elevations, as received 24/11/2021
66710-18-3 Rev C Proposed Site Sections, as received 15/12/2021

Supporting letter 'Re: Non-Material Amendments Application at 57 Baker Street, Reading, RG1 7XX' by ET Planning, dated and received 15/12/2021

6. Relevant Planning History

- i. 180624 - Erection of two 2/3 storey buildings to provide 9 (2x2-bed and 7x3-bed) residential units (Class C3), 9 parking spaces, landscaping and associated works. Granted following completion of s106 legal agreement 06/02/2019.
- ii. 200119 - Discharge of conditions 11 (contaminated land assessment), 12 (remediation scheme), 17 (arboricultural method statement & tree protection plan) and 24 (eradication strategy) of planning permission 180624. Discharged 24/03/2020.
- iii. 200237/NMA - Non-material amendments to permission 180624 (granted on 06/02/2019 for the erection of 2 buildings to provide 9 residential units) to provide bi-fold doors and revise the size of windows on rear elevations. Agreed 03/03/2020.
- iv. 201159/APPCON - Discharge of conditions 3 (materials), 4 (construction method statement) and 18 (landscaping) of planning permission 180624. Discharged 21/10/2020.

7. Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

8. Relevant Planning Guidance

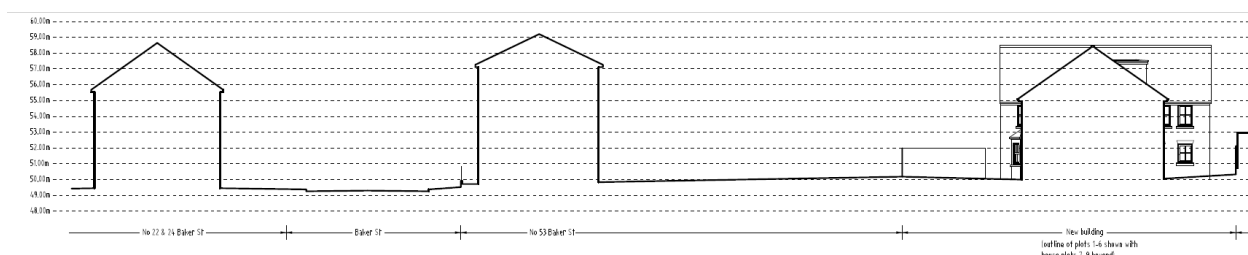
- i. Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that, *"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."*

9. Relevant Policies

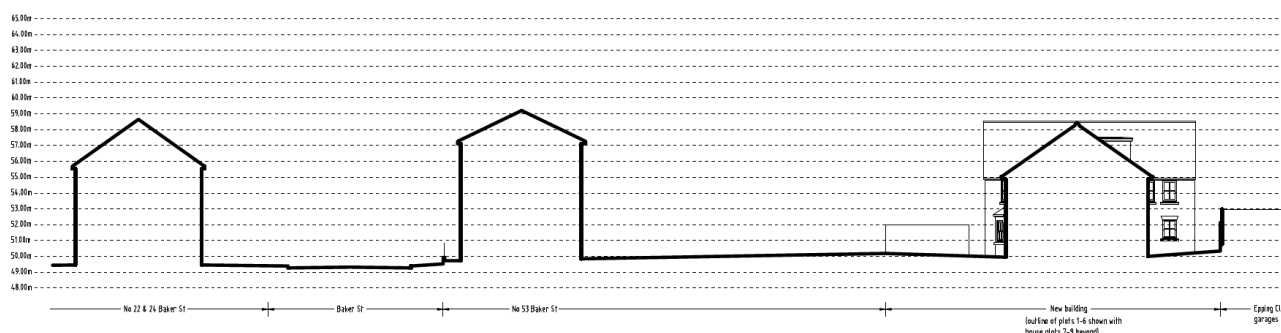
- i. The proposed amendments are assessed for materiality - not on the basis of their planning merits. Planning policies therefore do not apply.

10. Appraisal

- i. The non-material amendment application relates to altering the finished floor levels and window head heights at plots 7-9. As detailed in the proposals section above, this involves these elements rising by 0.3m. Importantly, there is no change in the eaves or ridge height of the building. No changes are proposed to the plot 1-6 building. As detailed within the proposals section above, this change has arisen after a new architect took on the scheme and found the previous architect had not taken into account the root protection areas of the nearby retained trees (within the rear amenity spaces of plots 7-9). This meant moving elements 'up', with the architect managing to engineer a solution which does not increase the overall height of the building, but solely the internal floor to ceiling height (for which there is no planning control, as this is an internal alteration) and externally the window head heights by 0.3m. A comparison of the approved and proposed site section shows the non-material nature of the change more explicitly:



Section approved as part of original permission 180624



Section as now proposed - ground level, eaves and ridge heights are same, but the window cill and window heights are marginally (0.3m) higher.

- ii. This change, in the context of the scheme as a whole, is considered a non-material change which does not alter the design idiom of the scheme. In terms of amenity, whilst the first floor window is now marginally higher than previous, this change in itself is not considered to result in any significant additional harmful amenity impacts (e.g. overlooking) than was possible previously. No other material impacts are envisaged as a result of these changes, with the benefit being that the proposal will not encroach into the root protection area of nearby retained trees. In the context of the scheme as a whole, these are considered to be non-material amendments. Considering the changes cumulatively with previous non-material amendment agreed as part of

200237 (see relevant history above), they are collectively considered non-material changes too. Officers therefore consider that the changes can be made through the non-material amendment procedure.

- iii. An informative is recommended which states that this permission relates only to the changes of the wording of the relevant condition. 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.

11. Conclusion

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

Recommendations

Grant Non-material amendment

12. Conditions:

The drawings hereby approved as non-material amendments to 180624 are as follows:

501-003-04 Rev A Plots 7-9 Proposed Site Plan, as received 24/11/2021
503-103 Rev 06 Elevations, Sheet 1 (Plots 7-9), as received 24/11/2021
503-104 Rev 05 Elevations, Sheet 2 (Plots 7-9), as received 24/11/2021
66710-18-5 Rev C Plots 7-9 Floor Plans & Elevations, as received 24/11/2021
66710-18-3 Rev C Proposed Site Sections, as received 15/12/2021

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 06/02/2019 under reference number 180624, 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, such as 200237/NMA agreed on 03/03/2020) 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.