

DELEGATED APPLICATION REPORT

Address: Land between Weldale Street and Chatham Street, Reading

Application No: 211462/NMA

Proposal: 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.

Applicant: Ropemaker Properties Ltd

Date received (valid from): 02/09/2021

Target Decision date: Originally 30/09/2021

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. 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

- i. Non-material amendments to planning permission 170326 granted on 15/03/2018 are proposed. More specifically, the proposal seeks to change the wording of condition 40:

40. Prior to the first occupation of any residential unit hereby approved details of a scheme providing public art on site shall be submitted to, and approved in writing by the Local Planning Authority. The approved details shall be installed before occupation of Block B1 (Phase 4) of the development and shall thereafter be maintained in accordance with the approved details.

Date: 15th March 2018



Head of Planning, Development
& Regulatory Services

LEB

Classification: OFFICIAL

Classification: OFFICIAL



Reason: In order to enhance the appearance of the development, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Central Area Action Plan (2009).

- ii. More specifically, it is proposed to alter the trigger point for submission of public art details from pre-first occupation of any residential unit to pre-occupation of Block B1 (phase 4). The trigger point for works to be installed remain unchanged. In the supporting letter submitted with the application the applicant has stated:

Condition 40 currently states:

"Prior to the first occupation of any residential unit hereby approved details of a scheme providing public art on site shall be submitted to, and approved in writing by the Local Planning Authority. The approved details shall be installed before occupation of Block B1 (Phase 4) of the development and shall thereafter be maintained in accordance with the approved details."

Reasons: In order to enhance the appearance of the development, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Central Area Action Plan (2009). "

It is proposed to slightly amend the wording of the condition as highlighted below in red text:

Prior to the occupation of Block B1 (Phase 4) of the development hereby approved the details of a scheme providing public art on site shall be submitted to and approved by the LPA. The approved details shall be installed before occupation of Block B1 (Phase 4) of the development and shall thereafter be maintained in accordance with the approved details.

iii. The applicant's supporting statement also details:

As noted in informal pre-application discussions, it is agreed that although this wording would mean that the trigger point for submission of details and the installation of the approved works would be the same, it would not dilute the essence of the condition (the installation of the public art prior to the first occupation of Block B1 (Phase 4) but provides more flexibility than the current trigger point to enable the public art competition to be carried out in accordance with the timetable that has been discussed with Reading Borough Council's Cultural Development Officer (Zsuzsi Lindsay).

- iv. To clarify, the agent originally contacted officers specifying that discussions with the Council's Cultural Development Officer were on-going, in relation to a competition for the installation of artwork at the site, with the competition set to run over many months. It transpired that the timescales involved would run beyond the first occupation of any unit, thereby causing a programming issue (given the wording of the condition requires the actual public art scheme to be detailed within the future submission to enable the condition to be discharged). Accordingly, this application seeks to alter the trigger point for the submission of details, but, importantly, not alter the trigger point for the actual implementation of the subsequently approved works.
- v. During the course of the application a number of small refinements to the exact wording of the condition have been agreed with the applicant. These additions (beyond the wording suggested by the applicant) are detailed in green below:

Prior to the first occupation of any residential unit within Block B1 (Phase 5) of the development hereby approved, details of a scheme providing public art on site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed before occupation of Block B1 (Phase 5) of the development and shall thereafter be maintained in accordance with the approved details.

Regarding the change in reference from phase 4 to phase 5, this is owing to the phasing plan approved as part of NMA 191974 (see relevant history section below) specifying Block B1 to be phase 5 of the scheme. As such, the changes to the wording of the condition also clarify this inconsistency which arose through previous applications at the site.

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

None required owing to the nature of the proposals.

5. Plans Considered

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

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.

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

i. Officers are content that the proposed changes (as summarised in section 2 above) are non-material, when considered within the context of the nature/extent of the original permission. While the trigger point for the submission of details is acknowledged to be later in the process as originally worded, this is as discussions regarding the art work have facilitated an anticipated competition. To enable that to take place and subsequent details to be drawn up, flexibility is therefore sought and reasonably required. Given the trigger point for the actual carrying out of the works is unchanged, the overall effect on the condition as a whole is not diluted in any way. It is considered that this application can proceed under the NMA route.

ii. An informative is recommended which states that this agreed NMA relates only to the changes highlighted on the updated condition 40. 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 fourth 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 and 201602/NMA, as agreed on 08/12/2020). 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 40

Prior to the first occupation of any residential unit within Block B1 (Phase 5) of the development hereby approved, details of a scheme providing public art on site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed before occupation of Block B1 (Phase 5) of the development and shall thereafter be maintained in accordance with the approved details.

Reason: In order to enhance the appearance of the development, in accordance with Policies CC7 and CR2 of the Reading Borough Local Plan 2019.

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, and 201602/NMA as agreed on 08/12/2020) 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 recommended timeframes.