

DELEGATED APPLICATION REPORT

Address: 12 Eldon Terrace, Reading, RG1 4DX

Application No: 211466/NMA

Proposal: Non-Material Amendment for permitted application 200973 - Proposal for the external wall finish of the rear flank elevation walls to be limestone colour sand and cement render replacing the previously approved coarse faced limestone exterior finish.

Applicant: Eldon Homes Ltd

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

Target Decision date: Originally 30/09/2021, but an extension of time was subsequently agreed on 30/11/2021 until 03/12/2021.

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site comprises a vacant site, with a now former two storey building being demolished at the site in 2020. The site itself is on the south side of Eldon Terrace, located between the junctions of Eldon Street (to the east) and Eldon Road (to the west). The building dates from the 1970s (see relevant history below), at which point the plot was separated from the listed building at 13 Eldon Square (to the south). Previously, there was existing garage areas at ground floor, with a residential unit above and a private amenity space to the rear.
- 1.2 The site is located within Eldon Square Conservation Area. The former building was not identified as one of townscape merit in the conservation area appraisal. Buildings to the rear on Eldon Square are listed. Buildings to the west (on Eldon Road) and opposite on Eldon Terrace are identified as being of townscape merit within the conservation area appraisal. The site is also within an air quality management area (AQMA), but outside of the designated Reading Central Area. The surrounding area contains a mix of uses, although it is predominantly residential in nature.

2. The Proposals

- i. Non-material amendments are proposed to planning permission 200973. More specifically, the proposal seeks to alter the finished material of the side elevations from the approved coarse faced limestone exterior finish to the now proposed limestone colour sand and cement render finish.



Approved side elevations showing the coarse faced limestone exterior finish



Now proposed side elevations showing the now proposed limestone colour sand and cement render finish.

- ii. The applicant has submitted a supporting letter explaining that the rationale behind the change in material is owing to “the cost of the stonework presenting significant viability issues for the development.”
- iii. In further seeking to justify the proposal, the applicant also states:

It is important to note that these walls are not visible from the street within the Conservation area, being only clearly visible from a private car parking courtyard on the approved residential development (at the rear of 17 Eldon Square, ref: 200974) and the rear gardens of 2-6 Eldon Terrace. Finishing these walls with render helps ensure that the proposed limestone ashlar stonework can be used on the front and rear elevations of the building to achieve the intended high quality appearance and visual enhancement to the Conservation Area.

The use of render on the flank walls of the ashlar limestone townhouses within the Eldon Square Conservation Area is fairly typical. We have attached several examples visible from the street within Appendix B.



5 Eldon Road



10 Eldon Road



20 Eldon Road



22 Eldon Road



26 Eldon Road



Eldon Lodge

3. Internal Consultations

None required

4. Councillor / Public Consultation

i. Councillor Consultation

Not required for this type of application

Neighbour Consultation

None required for this type of application. No responses received.

Site Notice

Not required for this type of application.

CAAC Consultation

Not required for this type of application. No response received.

5. Plans / Documents Considered

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

Those relevant plans approved at the time of the original permission:

15023-PL-30 Site Location Plan
As received 08/07/2020

15023-PL-48 Proposed Site Plan
15023-PL-54 Proposed East West Elevation and Section AA
As received 10/08/2020

Those submitted as part of this application:

15023-PL-71 Site Location & Proposed Block/Roof Plan
15023-PL-73 Proposed East & West Elevations
As received 02/09/2021

Supporting letter from Weston + Co Architects, dated 01/09/2021

6. Relevant Planning History

Application site

200973 - Erection of two storey (and roof space accommodation) building comprising 3 (2x1 & 1x2-bed) residential units (Class C3) with associated bin and cycle storage. Granted following completion of s106 legal agreement 3/8/21.

211357 - Discharge of conditions 4 (materials), 5 (construction method statement), 7 (bin details), 10 (SAP assessment), 13 (landscaping) and 14 (biodiversity enhancements) of planning permission 200973. Current application under consideration.

Neighbouring site - 17 Eldon Square

200974 & 200975 - Construction of 3 x 2 bedroom terraced houses (with rooms in the roof space), associated amenity space, bin and cycle storage and undercroft vehicular access from Eldon Terrace to a parking area. Granted 18/11/2020.

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. It is acknowledged that the change from a coarse faced limestone exterior finish to the now proposed limestone colour sand and cement render finish could be considered as an unfortunate and regrettable step in terms of design quality. This is particularly the case when considered within the context of paragraph 135 of the NPPF 2021, which states:

Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

- ii. As such, the NPPF generally guards against proposals such as that sought. However, the applicant has submitted a range of factors to explain the rationale behind the proposals, as detailed within section 2 above, but summarised as follows:
 - i. The cost of the originally approved materials presenting significant viability issues.
 - ii. The side elevations where the proposed material is proposed not being visible from public vantage points within the conservation area (presuming the neighbouring development at 17 Eldon Square is fully implemented - see relevant history above).
 - iii. The change in material on the side elevations would enable the originally approved material to be maintained on the front and rear elevations, which are more prominent within the conservation area.
 - iv. There being a number of examples elsewhere within the conservation area where render is present on the side elevations of buildings (see photographs above).
- iii. In light of the justification provided by the applicant, it is considered on balance that the proposed changes are a) acceptable in themselves and b) considered to be non-material changes to the scheme within the context of the permission as a whole. More specifically, whilst mindful of the NPPF, the viability issues, limited visibility from public viewpoints and the prevailing context elsewhere in the conservation area tip the balance in favour of the proposal. Moreover, the retention of the original material on the front/rear elevations means in overall

terms the proposals would still have an overriding positive impact on the character and appearance of the Eldon Square Conservation Area. The examples of where stone front facades are complemented with plainer (i.e. rendered) side elevations also weigh in favour of the proposals. Ultimately the proposals will assist in the development being implemented. The changes have been a result of design development, which can be expected in a project of this nature.

- iv. In terms of such an application proceeding under the s96a NMA application route, as detailed at section 8 above, there is no statutory definition of NMA applications. Set within the context of the extent and nature of the original permission (demolition of existing structures and erection of a 2 storey [& roofspace] building), alterations to the rear/side elevation material are not considered so significant to go beyond the scope of the original permission. It is therefore considered that the change can be made through the non-material amendment procedure. More specifically, it is not considered that the amendment will have a significant material impact on the overall design idiom, neighbour amenities, landscaping proposals, transport, highway safety, sustainability or ecological intentions or any other consideration, set within the context of the original permission. This is primarily owing to the context of the overall original scheme and the nature of the surrounding context, with the proposed change being of a relatively minor scale and nature in this context. The change proposed as part of this application is therefore considered appropriate and suitable to progress through the non-material amendment procedure.
- v. An informative is recommended which states that this decision shall only be read in the context of planning permission 200973, and is bound by all the conditions attached to that 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.

Recommendation

Grant Non-material amendments

12. Conditions:

1. The drawings hereby approved as non-material amendments to 200973 are as follows:

15023-PL-71 Site Location & Proposed Block/Roof Plan
15023-PL-73 Proposed East & West Elevations
As received 02/09/2021

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

Informatives:

1. This decision relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of planning permission 200973 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 agreed extended timeframes.