

DELEGATED APPLICATION REPORT

Address: Former Woodley Arms Public House, Waldeck Street, Reading

Application No: a) 200967/NMA b) 200968/NMA

Proposal: a) Non-material amendment to permission 171893 (erection of two buildings to accommodate 38 student units, as allowed on appeal on 10/10/2018) to alter the trigger point for submission of condition 13 (contaminated land) from pre-commencement to pre-commencement barring demolition.

b) Non-material amendment to permission 171893 (erection of two buildings to accommodate 38 student units, as allowed on appeal on 10/10/2018) to alter the trigger point for submission of condition 14 (contaminated land remediation scheme and verification report) from pre-commencement to pre-commencement barring demolition.

Agent: Goadsby Planning & Environment

Date received (valid from): a) & b) 08/07/2020

Target Decision date: a) 05/08/2020 & b) 05/08/2020

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

1.1 The application site is, as described by the Inspector in allowing the appeal on 10/10/2018:

1.2 A vacant two storey public house with large single storey extension and its associated car parking area. It is bounded by Charndon Close to the west, an access road serving a row of garages to the east and by a garage court to the south. The site frontage is to Waldeck Street which is primarily made up of modest, two storey Victorian terrace dwellings set out along consistent building lines close to the to the back of the footway. Although a number of the terrace dwellings have been altered, in overall terms there is a high degree of consistency to their architectural features.

1.3 To the east of the pub there is a pair of two storey semi-detached houses but these are set back from the road frontage behind a high brick wall with the main front elevation facing in the opposite direction. The two storey flats beyond at Jack Price Court, are largely seen in the context of Southampton Street. Consequently, these latter elements have a limited influence on the overall character of Waldeck Street, which is largely defined by the terrace housing.

1.4 To the west of the site along Elizabeth Walk are newer, shorter rows of terraces and their associated garage blocks. To the south and east of the site there are blocks of flats, varying in scale between three and four storeys. From Waldeck Street views of the flats are largely restricted to the area around the appeal site but because of their setback they are not key features in that context.

2. The Proposals

- i. Non-material amendments to planning permission 171893 (as allowed on appeal), namely to change the trigger point for two contaminated land conditions from pre-commencement (any development) to pre-commencement barring demolition works.

The applicant details that the application has arisen due to difficulties in satisfying the conditions with the existing building still in place. Hence the idea is to enable the building to be demolished and then undertake the work to seek to satisfy the contaminated land conditions.

3. Internal Consultations

RBC Environmental Protection - prior to the submission of the applications (given the applicant sought informal advice from officers prior to the submission of the applications) EP officers confirmed that the future investigation will need to check if there is any contamination on site from the former use, so they will need to take samples from across the site. EP officers would be happy enough for the requirements to be triggered later in the process if that would work.

4. Councillor / Public Consultation

i. Councillor Consultation

Since April 2020 the Chair & Vice Chair of the Planning Application Committee and Katesgrove Ward Councillors are no longer required to be notified on NMA or MMA applications which were originally determined by the Planning Applications Committee. This follows a change in the scheme of delegation, as agreed by Policy Committee. Accordingly, members were not formally notified on these applications.

Neighbour Consultation

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

Site Notice

Not required for this type of application.

5. Plans / Documents Considered

- i. The Council, in reaching its recommendation, has taken into consideration the information contained within the application form.

6. Relevant Planning History

171893 - Erection of two buildings to accommodate a total of 38 student units of accommodation, including parking, amenity space and landscaping, following demolition of existing former public house. Refused 12/01/2020; Allowed on Appeal on 10/10/2018.

190063 - Application for approval of details reserved by condition 11 of permission 171893 as allowed on appeal ref. APP/E0345/W/18/3199152. Discharged 5/12/2019.

191176 - Outline application considering access, appearance, layout and scale involving demolition of former public house (Class A4) and erection of 2 x 3-storey buildings to provide in total 38 purpose-built co-living units (Sui Generis), 10 vehicle spaces, shared external communal space and associated works. Withdrawn 6/12/2019.

192053/NMA - Non-material amendments to permission 171893 (erection of two

buildings to accommodate 38 student units, as allowed on appeal on 10/10/2018) to increase the size of Block 2 on the south elevation and various associated works. Agreed 20/03/2020.

200461/APPCON - Discharge of condition 17 (archaeology) of permission 171893, as allowed on appeal ref. APP/E0345/W/18/3199152 on 10/10/18. Discharged 14/04/2020.

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. Appraisals (a & b)

- i. These changes have been considered by officers, who are content that the proposed changes in both instances are acceptable, assisting in the development being implemented without compromising on the level/nature of information considered necessary by the Planning Inspectorate in allowing the original appeal. In short, the changes alter the trigger point for submission of these details from pre-commencement to pre-commencement barring demolition. As such the demolition of the existing building will be allowed to help enable the developer to undertake the tests in the ground to seek to satisfy the contaminated land conditions in the future. The other pre-commencement conditions have already been satisfied (see relevant history above), so those conditions do not need to be altered. Officers also consider that these changes can be made through the non-material amendment procedure. More specifically, it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities, landscaping proposals, transport and highway safety intentions or any other consideration, set within the context of the allowed on appeal scheme. This is primarily owing to the context of the overall allowed on appeal scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context. It is

recognised that a NMA application has previously been agreed at the site, but this is a separate matter and does not undermine the original permission in any way.

- ii. All changes proposed as part of these applications are therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure.
- iii. An informative is recommended in both instances which states that this permission shall only be read in the context of the planning permission allowed on appeal under reference number 171893, and is bound by all the conditions and obligations attached to that permission. A further informative is recommended in both instances 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 both applications do not constitute material changes to the approved planning permission.

Recommendation

- a) Grant Non-material amendment
- b) Grant Non-material amendment

12. Conditions:

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REPLACEMENT CONDITION 13

No development (barring demolition) shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

Informatives:

1. This permission shall only be read in the context of allowed on appeal planning permission 171893 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 - e.g. 192053 on 20/03/2020 and 200968 on 03/08/2020) 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 recommended timeframes.

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REPLACEMENT CONDITION 14

No development (barring demolition) shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

Informatives:

1. This permission shall only be read in the context of allowed on appeal planning permission 171893 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 - e.g. 192053 on 20/03/2020 and 200967 on 03/08/2020) 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 recommended timeframes.