

DELEGATED APPLICATION REPORT

Address: 57 Baker St, Reading

Application No: 200237/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 provide bi-fold doors and revise the size of windows on rear elevations.

Applicant: Insolum Projects

Date received (valid from): 14/02/2020

Target Decision date: 13/03/2020

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 Conservation Area. Within the Conservation Area Appraisal (April 2004) in the 'new development' section the following is of relevance:

Backland development should only be allowed where there are existing buildings are of no merit, and where the replacement buildings are of a suitable scale and bulk to [not] adversely affect the surrounding buildings. The historic form of development, with mainly terraced houses sitting close to the road, with hidden gardens behind, should be maintained and enhanced as opportunities present themselves.

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.

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 provide bi-fold doors and revise the size of windows on rear elevations.
- ii. The applicant outlines that the proposed change is a result of design development. More specifically, the applicant considers that the bi-fold doors will enhance the relationship between the living area and the garden. The applicant considers that the changes will enable kitchen worktops and bathroom fittings to be positioned beneath windows.

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

The above councillors were notified via email of the above applications on 24/02/2020, seeking any comments and agreement by 02/03/2020, unless stated otherwise, to the application being determined by officers under delegated powers by 13/03/2020 (i.e. should councillors wish for the applications to be considered at the Planning Applications Committee, they would need to advise officers by 02/03/2020).

Cllr Page responded on 01/03/2020, confirming contention that the proposed non-material amendment application can be determined by officers under delegated powers.

Cllr Rowland responded on 01/03/2020, detailing concerns that the changes would potentially degrade the integrity of the development, but noting there was no justification for taking the application forward to be considered by the Planning Applications Committee (thereby confirming contention for the application to be determined under delegated powers by officers).

No other responses have been received.

4. Internal / External Consultations

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

5. Plans Considered

- i. The applicant has submitted the following plans:

66710-18-4 Rev B - Plots 1-6 Floor Plans and Elevations
66710-18-5 Rev B - Plots 7-9 Floor Plans and Elevations
As received 14/02/2020

6. Relevant Planning History

- i. 170509 - 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. Current application under consideration.

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 tweaks to the rear elevations of both buildings. First, a set of bi-folding doors are proposed at ground floor level, to lead the rear amenity spaces, rather than a set of patio doors and window. Furthermore, some of the first floor windows have been slightly altered in size, albeit not to a particularly noticeable extent. The plans are also more detailed and show drainpipes for example. In the context of the scheme as a whole, these are considered to be non-material amendments. Officers therefore consider that the 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, transport and highway safety intentions. Please see attached the approved (Rev A) and proposed (Rev B) elevations to demonstrate this (noting again that the now proposed plans show more detailing than those submitted at the time of 180624 and are by a different architect).
- ii. 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:

66710-18-4 Rev B - Plots 1-6 Floor Plans and Elevations
66710-18-5 Rev B - Plots 7-9 Floor Plans and Elevations
As received 14/02/2020

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) 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.