

DELEGATED APPLICATION REPORT

Address: The Arthur Clark Home, 1 Albert Road, Reading

Application No: 191401/NMA

Proposal: Non-material amendments to permission 152277 (granted on 18/10/2016) to change the wording of Condition 17(ii) b)(BREEAM) (as already amended by 182243) to secure a certificate of accreditation within 12 months of first occupation (rather than a certificate of accreditation within 6 months of first occupation agreed by 182243).

Applicant: A2Dominion Housing Options Ltd

Date received (valid from): 20/12/18

Target Decision date: 17/01/19

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site is approximately 0.47ha in size and forms a 'corner plot' bounded to the east by The Mount and Albert Road, with Dovedale Close to the south. To the north and west of the site are the residential rear gardens of properties fronting Albert Road, Dovedale Close and Blossom Road. The wider area is characterised by dwellings of varying ages and architectural styles, including 2 / roofspace 3-storey Edwardian / Victorian dwellings set in generous plots and 1960s 2-storey properties within the residential development at Dovedale Close. As such, the surrounding area is characterised solely by residential uses.
- 1.2 The site is a recently occupied (since late March 2019) 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works. This has followed the demolition of the pre-existing buildings at the site, which were formerly utilised (until 2013) as the Albert Road Day Centre and Arthur Clark Care Home.
- 1.3 The site is also characterised by a garden area in the south-east of the site and a significant number of mature trees, which form a boundary screen around the site. On 19 April 2016 a Tree Preservation Order (TPO) (Ref 9/16) was served on the application site, to include those trees considered to be important to the character of the area and prominent from a number of viewpoints locally. Moreover, the protection of the trees was considered necessary to ensure their retention in the future. This relates to 13 individual trees (5 Limes, 2 Horse Chestnuts, 2 Sycamores, 1 Cedar, 1 Pine, 1 Yew and 1 Copper Beach) spread across the west and south perimeter of the site (predominantly the western boundary) and one group (comprising a Sycamore and Monterey Cypress) fronting onto Albert Road. It is also relevant to note that five trees within the neighbouring No. 3 Albert Road, but on the boundary with the application site, are subject to TPOs (3 Yews, 1 Oak, 1 Lime). Furthermore, there are six TPO trees on the Albert Road boundary within the garden of 8 The Mount (3 Sycamore, 1 Pine, 1 Fir, 1 Horse Chestnut).
- 1.4 The site is not located within a conservation area. However, the boundary of the St Peters Conservation Area is 33m to the south of the site (encompassing the grounds of the Treetops residential dwellings). The western edge of the application site is within an air quality management area. The site is located within the Thames ward, although The Mount represents the ward boundary with Caversham ward.
- 1.5 In addition, the Albert Road Day Centre/Arthur Clarke Care Home & environs at 1 Albert Road was until 16/09/18 (date of expiry of listing) listed as an asset of community value (ACV), as per the Localism Act 2011 and The Assets of Community Value (England)

Regulations 2012. In practice this meant that if the landowner wanted to sell a registered property, they must give notice. If a group wants to buy the asset, they can trigger a 6 month moratorium to give them a chance to raise the money but the landowner can still sell at the going market rate. This period gives community groups some time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period. In this case, the site was listed on 17/09/13, with a notice from the owner to dispose of the site received on 11/07/14. At the end of the subsequent six month period no full moratorium was triggered. Nevertheless, the site remained listed as an ACV until 16/09/18.

2. The Proposal

- i. Non-material amendments to planning permission 152277 granted on 18/10/2016 are proposed. In-fact, the proposals are seeking to amend the wording of condition 17(ii) b), as introduced through non-material amendment application 182243. More specifically, these seek to change the wording of Condition 17(ii) b) (BREEAM) to secure a BREEAM certificate of accreditation within 12 months of first occupation (rather than a certificate within 6 months of first occupation, as agreed by 182243).
- ii. Accordingly, the condition would change as follows (omissions shown by a ~~strike through~~; additions in **bold and underlined**):
 - b) Within ~~six~~ **twelve** months of the first occupation any apartment, a final BREEAM (UK New Construction) certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that at least a 'Very Good' rating with a minimum score of 62.5 points has been achieved.

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 Thames Ward Councillors

The above councillors were notified via email of the above application on 29/08/19, seeking any comments and agreement to the application being determined by officers under delegated powers by 9am on 09/09/19.

The Chair of the Planning Applications Committee (Cllr McKenna) confirmed contention with the proposed change to provide the requested flexibility.

No other responses were received and on this basis the application is accordingly being determined under delegated powers by officers.

4. Internal Consultations

- i. None required or necessary in this instance.

5. Plans Considered

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

6. Relevant Planning History

- i. 152277 - Erection of a 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works, following demolition of existing buildings. Granted following completion of s106 Legal Agreement 18/10/2016.
- ii. 162179 - Discharge of condition 9 (Construction Method Statement) of planning permission 152277. Condition discharged 30/01/17.
- iii. 162361 - Discharge of conditions 3 (materials), 14i (Secured by Design measures), 15 (Sustainable Drainage Scheme), 17i (BREEAM final design stage), 19 (Arboricultural Method Statement), 20i (Hard and Soft Landscaping) and 22 (Levels) of planning permission 152277. Conditions discharged 06/03/17.
- iv. 170485 - Discharge of condition 3 (materials) of planning permission 152277. Condition discharged 26/04/17.
- v. 171052/NMA - Non-material amendments to permission 152277 (granted on 18/10/2016) to alter the size of two rooflights associated with omission of lightwells, add two further rooflights, remove two windows on the inward west facing elevation at the southern end of the site, altered photovoltaic panel locations at roof level and associated works. Granted 17/08/17.
- vi. 172182 - Discharge of condition 3 (materials) of planning permission 152277. Condition discharged 09/01/18.
- vii. 180429/NMA - Non-material amendments to permission 152277 (granted on 18/10/2016 for the erection of a 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works, following demolition of existing buildings) to provide an ancillary astro turf lawn bowls area close to the south- east corner of the site and amendments to the landscaping and path layout. Granted 18/05/18.
- viii. 181744/APPCON - Discharge of conditions 13 (noise reducing measures to refuse & recycling facilities), 17 (ii) (final BREEAM certificate), 21 (landscaping management plan) and 27 (external lighting) of planning permission 152277. Conditions discharged 15/01/19.
- ix. 181871/NMA - Non-material amendments to permission 152277 (granted on 18/10/2016 for the erection of a 1-4 storey building comprising 43 extra care apartments (Class C2) with altered landscaping, 21 car parking spaces and associated works, following demolition of existing buildings) to provide timber effect balustrades (rather than glass juliet balconies) above the Albert Road entrance at first and second floor level. Granted 14/11/18.
- x. 182217/NMA - Non-material amendments to permission 152277 (granted on 18/10/2016) to change the wording of Condition 14(ii) (Secured by Design) to best endeavours to achieve Secured by Design accreditation (rather than written confirmation of accreditation). Withdrawn 01/02/19.

- xi. 182243/NMA - Non-material amendments to permission 152277 (granted on 18/10/2016) to change the wording of Condition 17(ii) (BREEAM) to secure a letter from a BREEAM Accredited Professional prior to first occupation and a certificate of accreditation within 6 months of first occupation (rather than a certificate prior to first occupation). Agreed 14/01/19.
- xii. 190084/APPCON - Discharge of condition 26 (Noise assessment) of planning permission 152277. Condition discharged 01/02/19.
- xiii. 190112/APPCON - Discharge of condition 14 (ii) (Secured By Design Accreditation) of planning permission 152277. Condition discharged 31/01/19.
- xiv. 190395/APPCON - Discharge of condition 17 (ii) a) (BREEAM) of planning permission 152277 (also incorporating non-material amendments agreed by 182243 on 16/01/19). Condition discharged 28/03/19.

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 applicant, in seeking to justify to proposals, has stated the following:

The submission of the BREEAM assessment to the BRE was delayed as we required additional information. We will be in a position to submit the information to the BRE by mid September. It could then take a while to answer any queries the BRE may have and obtain the final certificate.

In order to meet the timeline in the original wording we would be required to submit the certificate by end of September which would be 6 months after occupation. This is not going to be achievable and we would like to extend this for an additional 6 months. We are hoping the process will be shorter than this, but we do not want to ask for an additional month and then find we are repeating this process a month down the line.

- ii. Officers are content with the suggested change, noting that this does not significantly dilute the meaning of the original condition, but provides a degree of flexibility (i.e. additional time) in order for the applicant to meet the requirements of the condition. Given the building was first occupied in late March 2019, the condition will now need to be satisfied by the end of March 2020.
- iii. Therefore in summary, in the context of the permitted scheme it is not considered that the amendment, either individually or cumulatively, will have any material impact on the overall sustainability credentials of the scheme, nor the design idiom, neighbour amenities, transport & highway safety or landscaping intentions. It is also considered within the context of the overall approved scheme and the nature of the surrounding context, the proposed changes are of a relatively minor scale and nature in this overall context.
- iv. The proposals have also been considered within the context of the previous non-material amendments approved at the site in August 2017, May 2018, November 2018 and January 2019 (see 171052, 180429, 181871 & 182243 in the relevant history section above). The effect of the proposed changes and those previously approved are that they are largely distinctly different elements, which individually and cumulatively are considered to be non-material amendments.
- v. An informative is recommended which states that this permission relates only to the changes highlighted on the document (application form). Furthermore, it shall only be read in the context of the substantive full permission (and previous NMAs), 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 by this application do not constitute material changes to the approved planning permission.

Recommendation

Grant Non-material amendment

12. Condition:

REPLACEMENT CONDITION 17 (ii) b)

b) Within twelve months of the first occupation any apartment, a final BREEAM (UK New Construction) certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that at least a 'Very Good' rating with a minimum score of 62.5 points has been achieved.

Reason: To ensure that the development contributes adequately towards environmental sustainability, in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015).

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 18/10/2016 under reference number 152277, 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 non-material amendment applications 171052 granted on 17/08/17, 180429 granted on 18/05/18, 181871 granted on 14/11/18 and 182243 granted on 14/01/19) 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.
4. On the basis of the first occupation occurring in late March 2019, the now re-worded condition will need to be satisfied by 31/03/2020.