

VIA THE PLANNING PORTAL

Mr Jonathan Markwell
Planning Department
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Our Ref. 29832/A5/ELT
13th September 2019

Dear Jonathan,

LAND AT KENAVON DRIVE, READING, RG1 3DH
NON-MATERIAL AMENDMENT TO FULL PLANNING PERMISSION REF. 170509
PLANNING PORTAL REFERENCE: PP-08144254

On behalf of our client, Berkeley Homes (Oxford and Chiltern) Limited ("the Applicant"), we hereby submit a non-material amendment application (NMA) to planning permission reference 170509 (the "Original Planning Permission") for the site at land at Kenavon Drive, Reading ("the Site"). This NMA seeks to update the energy strategy approved under Condition 50 attached to the Original Planning Permission.

Background

Full planning permission was granted for the redevelopment of the Site under planning permission reference 170509 on 10th October 2018 for the following:

"Demolition of the two existing retail (Homebase and former Toys R Us) structures and the erection of new buildings ranging between 2 and 11 storeys in height, providing 765 (18 x studio, 302x1, 409x2 and 36x3- bed) residential units (Class C3), 5 commercial units (1x flexible class A1-A4, B1 or D1-D2, 1x flexible D1 or D2, 1x flexible Class A1- A5, 1 x flexible Class A3 or A4, 1x flexible A1- A5 or D1- D2 uses), various works to the public realm, including a new riverside square, landscaping, accesses, parking and associated works. This application is accompanied by an Environmental Statement. (amended description)."

The Original Permission is subject to 62 planning conditions. Condition 50 requires that:

"The development will be carried out in accordance with the energy measures hereby approved in the Energy Statement by MLM Consulting Engineers Ref GH/714777/CKN Rev 06 dated 21/03/17, as received 29/03/17."

Alongside this cover letter, the following documents have been submitted with this NMA application:

- Application Form;
- Site Location Plan; and
- Updated Energy Statement prepared by Hodkinson Consultancy.

The application fee of £234 has been paid directly by the Applicant.

The Application Proposals

The updated Energy Statement submitted with this application explains the approach and the reasons behind why it has become necessary to update the energy strategy for the development. It has become clear that the current strategy will lock the development into an increasingly poor environmental performance as the existing SAP 2012 CO₂ emission factors become increasingly outdated.

As explained in the Energy Statement, the key element of the new proposal is to supply heat to the development from low carbon electricity, rather than install a gas CHP-led heat network. This delivers much higher CO₂ savings to the development when assessed against the more accurate SAP 10 CO₂ emissions factors, providing day one CO₂ savings of approximately 40% which will continue to increase as the electricity grid continues to decarbonise.

Historically and at the time of determining the Original Planning Application, CHP strategies provided substantial CO₂ reductions. However, due to decarbonisation of the grid, the reductions have now been eliminated and subsequently, this would result in a net increase in Regulated CO₂ emissions. Many of the gas & CHP orientated strategies which have been implemented in the past 10 years would no longer be compliant when assessed against the more representative SAP 10 emission factors.

The Energy Statement concludes that the development is expected to achieve a **25.7%** reduction in Regulated CO₂ emissions. This goes significantly beyond the requirements of current adopted planning policy and Condition 49 of the Original Planning Permission.

Legislative Framework

The “test” as to whether the proposed revisions can be approved through the non-material amendment procedure relates to their materiality and significance in the context of the approved planning permission ref: 170509

Sub-section (1) of Section 96A of the Act states:

“A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material”.

Sub-section (2) Section 96A of the Act adds:

“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”.

With regards to what should fall within the definition of a non-material amendment application, the National Planning Practice Guidance (NPPG) states:

“There is no statutory definition of “non-material”. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material to grant an application under section 96A of the Town and Country Planning Act 1990.”
(Reference ID: 17a-002-20140306).

The NPPG goes on to confirm that an application made under Section 96A of the Act should be determined within 28 days, or a longer period that has been agreed in writing. There is also no prescribed form in which the local planning authority must issue its decision. Any subsequent decision does not, however, result in a new permission and the expiry date of the original permission will remain unchanged.

Materiality and Significance

Planning judgements relating to the “materiality” of a particular impact or change are matters of fact and degree.

Taking the above “test” into account, it is considered that the proposed amendment is “non-material” for the following reasons:

- There is no change to the approved description of the development.
- The updated Energy Statement demonstrates that the proposed on-site low carbon electricity approach will achieve the requirements of current adopted planning policy and meet the requirements of Condition 49 of the Original Planning Permission.

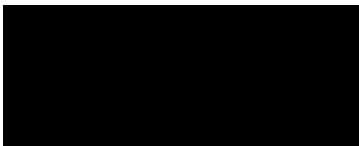
In this context, the proposed changes are considered to not be material in context to the scale and nature of the scheme.

Conclusion

For the reasons described above, the proposed changes to the Original Planning Permission (reference: 170509) is considered to not be material in the context of the approved scheme at the Site. The proposed changes to the energy strategy will not fundamentally alter the nature or scale of the approved scheme. We therefore respectfully request that Reading Borough Council confirm its agreement that this proposal constitutes a “non-material” amendment.

We trust this information is sufficient for your purposes and look forward to discussing these matters further. If in the meantime you require any further information, please do not hesitate to contact the writer.

Yours sincerely



EVE LADDEN TIMBERS
Associate

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