

DELEGATED APPLICATION REPORT

Address: 114-116 Oxford Road, Reading

Application No: 190356/NMA

Proposal: Non-material amendments to permission 150721 [Erection of part 4, part 5 storey building providing 16 (2x1, 13x2 & 1x3-bed) residential units (Class C3) with associated parking and landscaping, following demolition of existing buildings (Class A1 / B8 / nil use). (amended description)], namely to provide front and rear entrance canopies, fenestration alterations to front and rear gables and change from wooden to wrought iron vehicle entrances and side gates.

Agent: Fynecast Ltd

Date received (valid from): 28/02/19

Target Decision date: 28/03/19

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site is located on the north side of Oxford Road, in-between the junctions with Eaton Place to the east and Trinity Place to the west. It previously comprised two buildings, one fronting Oxford Road and the other to the rear of the site. These were demolished in 2018. The site is presently vacant.
- 1.2 This application site is located within the designated Reading Central Area. Although located outside of the primary shopping area, office core and central core, the site does form part of a wider site designation within the Reading Central Area Action Plan. As part of site RC4a, which consists of 108-116 Oxford Road, 10 Eaton Place and 115-125 Chatham Street, the wider area is allocated for 'residential development with associated community uses (100-150 dwellings)'. The application site comprises circa. 20% of this designated area. The application site is also within an air quality management area and Oxford Road is a designated cycle route.
- 1.3 The application site is also located in close proximity to a number of listed buildings. Most visibly, immediately to the west of the site is the Grade II listed Holy Trinity Church. The False Acacia tree within the churchyard overhangs the application site is subject to is subject to Tree Preservation Order 168/01. To the south-west of the site No.s 139&141 Oxford Road are also Grade II listed, as is No. 118 Oxford Road to the north-west. Slightly further away, to the west is the Grade II listed terrace of No's 149-169 (odd) Oxford Road, while to the east No. 104 Oxford Road (Mannson House) is Grade II listed too.
- 1.4 Furthermore, the site is located directly to the north of the boundary to the Russell Street/Castle Hill Conservation Area, with the buildings opposite the site on the south side of Oxford Road being within the conservation area. The surrounding area comprises a mix of uses and building types. As well as those already noted, to the north of the site is the Face Bar Nightclub (which fronts onto Ambrose Place), to the east is a two-storey office building (No's 106-112 Oxford Road) with parking to the front and rear, while to the south are the retail

and related uses of units on the south side of Oxford Road (No's 127-141 - odd) between the junctions of Waylen Street and Russell Street.

2. The Proposal

- i. Non-material amendments to planning permission 150721, namely:
 - Introduce glazed canopies at the front and rear entrances;
 - fenestration alterations to front and rear gable elevations, which essentially reduce the amount of glazing in the area which 180739/NMA omitted as a mezzanine floor level;
 - change the vehicular entrance gates and pedestrian side gate on the south side of the site from brick/wooden structures to wrought iron gates.

3. Internal Consultations

None required for this application.

4. Councillor / Public Consultation

- i. Councillor Consultation
The Chair & Vice Chair of the Planning Application Committee and Abbey Ward Councillors were notified via email of the above application on 08/03/19, seeking any comments and agreement to the application being determined by officers under delegated powers by 18/03/19.

Cllr Rowland replied on 13/03/19 with initial comments, raising questions regarding the exact form and detailed design of the proposed railings. Based on the submission it appeared that members had discussed the proposals with local residents / local groups and provided officers with some commentary / photographs detailing possible material improvements to the detailed design of the proposed railings.

Such responses were fed into the applicant on 13/03/19 and revised plans were subsequently submitted by the applicant on 19/03/19.

The Chair & Vice Chair of the Planning Application Committee and Abbey Ward Councillors were notified via email on 19/03/19 of the amended plans submitted. This sought any further comments and agreement to the application being determined by officers under delegated powers by noon on 22/03/19.

Cllr Rowland replied on 19/03/19 confirming contentment for the application to be determined under delegated powers with the design detail adjustment. Cllr Rowland also noted that the local community will be justifiably grateful that their suggestions have been taken up.

Cllr Page replied on 19/03/19 confirming agreement for the application to progress under delegated powers.

No other responses were received.

Neighbour Consultation

None required for this type of application.

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 following plan:

114:18:410 Rev A - Block and Location Plans, as received 28/02/19

114:19:803 Rev A - Front & Rear Elevations, as received 19/03/19

6. Relevant Planning History

150721 - Erection of part 4, part 5 storey building providing 16 (2x1, 13x2 & 1x3-bed) residential units (Class C3) with associated parking and landscaping, following demolition of existing buildings (Class A1 / B8/ nil use). (amended description). Granted following completion of s106 legal agreement 17/02/16.

171798 - Discharge of conditions 3 (materials), 13 (construction method statement), 17 (arboricultural method statement) and 24 (sustainable drainage) of planning permission 150721, as granted on 17/02/2016. Discharged 30/11/17.

180325 - Variation of condition 2 (approved plans) of planning permission 150721 [Erection of part 4, part 5 storey building providing 16 (2x1, 13x2 & 1x3-bed) residential units (Class C3) with associated parking and landscaping, following demolition of existing buildings (Class A1 / B8 / nil use). (amended description)], namely for various minor material amendments including replacement of approved balconies with Juliet balconies on front and rear elevations at first and second floor level, fenestration alterations, increase in height of the approved building by 0.5 metres and associated works. Withdrawn.

180739/NMA - Non-material amendments to permission 150721 [Erection of part 4, part 5 storey building providing 16 (2x1, 13x2 & 1x3-bed) residential units (Class C3) with associated parking and landscaping, following demolition of existing buildings (Class A1 / B8 / nil use) (amended description)], namely to raise the height of the building by 0.5m, to omit the mezzanine floor to flats 13 and 14 and change the configuration of the front entrance door to the flats. Agreed 28/06/18.

182055 - Discharge of conditions 3 (materials) and 16 (air quality mitigation scheme) of planning permission 150721. Split decision 15/1/19. Condition 3 (Material details) were acceptable, but the condition could not be discharged, as the development had already commenced (demotion had taken place) at the site before this submission was made. However, it was confirmed that on the basis of the information provided there are considered to be no outstanding planning matters in relation to this condition, nor

matters of enforcement. Condition 16 (Air Quality mitigation scheme) measures were approved pursuant to condition 16.

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. These changes have been considered by officers, who are content that the proposed changes, incorporating revisions during the application after input from elected members (summarised above) are acceptable. 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, transport and highway safety intentions. This is primarily owing to the context of the overall approved scheme and the nature of the surrounding context, with the proposed changes being of a relatively minor scale and nature in this context.
- ii. All changes proposed as part of this application are considered appropriate by officers and suitable to progress through the non-material amendment procedure. Furthermore, the proposals have also been considered within the context of the previous non-material amendments approved at the site in June 2018 (see the relevant history section above). The effect of the proposed changes and those previously approved are individually and cumulatively considered to be non-material amendments.
- iii. An informative is recommended which states that this permission relates only to the changes highlighted on the plans. Furthermore it shall only be read in the context of the planning permission granted under reference number 150721, and is bound by all the conditions and obligations 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 by this application do not constitute material changes to the approved planning permission.

Recommendation

Grant Non-material amendment

12. Conditions:

1. The drawings hereby approved as non-material amendments to 150721 are as follows:

114:18:410 Rev A - Block and Location Plans, as received 28/02/19

114:19:803 Rev A - Front & Rear Elevations, as received 19/03/19

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

Informatives:

1. This permission relates only to the changes highlighted on the plans. Furthermore it shall only be read in the context of the planning permission 150721 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 180739 granted on 28/06/18) 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.