

DELEGATED APPLICATION REPORT

Address: 32-41 West St, Reading

Application No: 180638/NMA

Proposal: Non-material amendments to planning permission 161927 (amendments to 161013, which itself approved amendments to 152259 which originally approved various works, extensions and associated alterations to the building on 14/04/16) to increase the height of a plant room close to the Cheapside elevation by up to 0.63 metres (retrospective).

Agent: Chart Plan (2004) Ltd

Date received (valid from): 25/04/18

Target Decision date: 23/05/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site comprises an existing basement and four storey building fronting onto West Street, Friar Street and Cheapside. The building is in active use by the applicant, Primark, as the UK office headquarters on the upper floors. The retail store on the lower floors ceased trading on 31/10/16, ahead of the opening of a new Primark store on Broad St on 01/11/16. Access to the site is from West Street for the retail use and upper floor office occupiers. Vehicular access to a part internal / part external servicing yard (which is shared with / overlooked by other units fronting West Street / Friar Street at this point) is from Friar Street, leading to existing on-site vehicular parking at basement level. A variety of externally located plant is found at roof level. At present, a permission granted in 2016 is in the process of being implemented (see relevant history below).
- 1.2 This application site is located within the designated Reading Central Area. The site is located within the designated Primary Shopping Area, with the West Street frontage also a designated active frontage (the Friar Street and Cheapside frontages are not designated active frontages). The site is also located within the designated office and central cores. Part of the site (the southern half) is within the tall buildings cluster. The application site is also located within an air quality management area and an area of archaeological potential.
- 1.3 The surrounding area comprises a mix of uses, ranging from the Greyfriars Church to the north, a variety of retail and related uses on West Street, Oxford Road and Cheapside, office uses (predominantly on Cheapside) and residential properties (most substantially on the upper floors of Oxford Road and Cheapside).
- 1.4 The application site is not within a conservation area, with those closest being Russell Street and Castle Street Conservation Area (170m to the south-west of the closest part of the site) and St Mary's Butts and Castle Street Conservation Area (140m to the south-east of the closest part of the site). Given the distances involved, it is considered that the proposals are too far away to impact on the setting of the character and appearance of these conservation areas. There are however a number of listed buildings in close proximity to the site, most notably:

- Grade II Listed 42&43 West Street (W. I. Palmer Memorial Hall), adjacent to the West Street frontage of the building to the north of the site.
- Grade II Listed 47 West Street / 92 Friar Street Mitre Inn, located at the corner of West Street and Friar Street, 20m to the north and east of the site.
- Grade I Listed Greyfriars Church, situated north of Friar Street, 25m north of the site.
- Grade II Listed Quadrant walls and railings to form 64 Friar Street (Greyfriars Vicarage) 35m north-east of the site.
- Grade II Listed 3 and 5 Cheapside, located 30m to the south-west of the site.

2. The Proposal

- i. Non-material amendments to planning permission 161927 (which amended 161013, which itself approved amendments to 152259 which originally approved various works, extensions and associated alterations to the building on 14/04/16) are proposed. More specifically, it is sought to increase the height of a plant room close to the Cheapside elevation by up to 0.63 metres. This non-material amendment is sought retrospectively, as it has already been carried out. This application therefore seeks to effectively regularise the situation.
- ii. This is the second non-material amendment sought in relation to this scheme. In March 2017 non-material amendments were granted to alter the ground floor glazing on the Friar Street and Cheapside frontages. This involved replacing the glazing and stallrisers, with mullions included in the proposed windows. Some internal alterations were also proposed, which given the building is/was not listed did not require planning permission.

3. Internal Consultations

None required for this application.

4. Councillor / Public Consultation

i. Councillor Consultation

The (then) Chair (at the time of consultation) and Vice Chair of the Planning Application Committee and (then) Abbey Ward Councillors (at the time of the consultation - since the consultation the local elections saw one Abbey ward councillor changed) were notified via email of the above application on 30/04/18, seeking any comments and agreement to the application being determined by officers under delegated powers by 08/05/18.

No 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 documents:

Already approved by 161927 and to be superseded by this application:

MS 751 Rev H - Proposed Street Elevations Cheapside Elevations 03a and 03b, as received 25/04/18

MS 753 Rev G - Proposed Street Elevations Rear Alley (Oxford Road Side), as received 13/04/18

As now proposed by this application:

MS 751_Rev K - Proposed Street Elevations Cheapside Elevations 03a and 03b, as received 13/04/18

MS 753_Rev H - Proposed Street Elevations Rear Alley (Oxford Road Side), as received 13/04/18

6. Relevant Planning History

152269 - Reconfiguration of part of the ground floor West St frontage to provide two retail (Class A1) units, change of use at part basement, ground & first floor from retail (Class A1) to office (B1a), remodelling & reconfiguration of existing offices at all floors, alterations to all external elevations, revised external plant and provision of rooftop plant screen to West St, Friar St and Cheapside and associated works (revised description). Granted following completion of S106 Legal Agreement 14/04/16.

160835 - Discharge of condition 3 (Construction Method Statement) of planning permission 152269. Discharged 24/06/16.

161138 - Discharge of condition 4i (BREEAM design stage) of planning permission 152269. Discharged 19/08/16.

161013/VARIAT - Variation of condition 2 (approved plans) of planning permission 152269 (various works, extensions and associated alterations to the building), namely for minor material amendments including fenestration alterations, relocated cycle storage and revised external plant (revised description). Granted following the completion of a deed of variation s106 legal agreement 27/09/16.

161927/VARIAT - Variation of condition 2 (approved plans) of planning permission 161013 (fenestration alterations, relocated cycle storage and revised external plant granted on 27/09/16 as minor material amendments to original permission 152269, which approved various works, extensions and associated alterations to the building on 14/04/16), namely for minor material amendments including re-positioned and additional rooftop plant and provision of access gantry at roof level. Granted following completion of the deed of variation s106 legal agreement 23/03/17.

170196 - Non-material amendments to planning permission 152269 (dated 14/04/2016) to include alterations to the ground floor glazing on the Friar Street and Cheapside frontages. Granted 01/03/2017.

170956 - Discharge of condition 5 (materials) of permission 161927 (granted on 23/03/17). Granted 26/07/17.

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. This change has been considered by officers, who are content that the proposed change is acceptable. Officers also consider that this change can be made through the non-material amendment procedure. More specifically, it is not considered that the amendment, 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 change being of a relatively minor scale and nature in this context. More specifically, the proposed change is not visible from the public realm. Although it is visible from upper floor residential units to the west of the site, this impact is not considered to be substantially harmful, especially when considered within the context of the already approved scheme.
- ii. The proposals have also been considered within the context of the previous non-material amendments approved at the site in March 2017 (see 170196 in the relevant history section above). The effect of the proposed changes and those previously approved are that they are distinctly different elements, which individually and cumulatively are 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 161927 (which approved amendments to 161013, which itself approved amendments to 152259 which originally approved various works, extensions and associated alterations to the building on 14/04/16), 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 161927 (amendments to 161013, which itself approved amendments to 152259 which originally approved various works, extensions and associated alterations to the building on 14/04/16) are as follows:

MS 751_Rev K - Proposed Street Elevations Cheapside Elevations 03a and 03b, as received 13/04/18

MS 753_Rev H - Proposed Street Elevations Rear Alley (Oxford Road Side), as received 13/04/18

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 161927 (amendments to 161013, which itself approved amendments to 152259 which originally approved various works, extensions and associated alterations to the building on 14/04/16), 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 application 170196 granted on 01/03/17) 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.