

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 13

PLANNING APPLICATIONS COMMITTEE: 10th October 2018

Ward: Abbey

Application No.: 181465/NMA

Address: 85 Bedford Road, Reading, RG1 7EY

Proposal: Non material amendments to planning permission 161768 (Conversion of existing building into 2 flats) including various fenestration alterations, provision of rooflights in north and west roofslopes, retain the Bedford Road elevation entrance door and build a bin enclosure on the Bedford Road frontage (amended description).

Applicant: Hill's Rubber Company

Date Valid: 17/08/18

Application target decision date: Originally 14/09/18; an extension of time was subsequently agreed with the applicant to determine the application by 12/10/18

26 week date: 15/02/2019

RECOMMENDATION

To **NOT AGREE** the proposed non-material amendments for the following reason:

The proposed fenestration alterations at ground floor level and erection of a bin enclosure on the Bedford Road frontage, owing to the changes in the external appearance of the building and potential detrimental impacts on amenity, are considered to go beyond the scope of a non-material amendment to planning permission 161768.

Informatives:

1. The applicant is advised that had some individual elements of the proposals (e.g. replacement window at first floor level on the Bedford Road elevation and installation of two rooflights at roof level) been considered in isolation, these would have been considered 'non-material' changes. However, split decisions cannot be issued in this type of application and, given that other elements are not considered to be 'non-material', the entire proposals are not able to be supported.
2. Given there is no right of appeal against the refusal of this 'non-material' amendment decision, should the applicant continue to seek approval for the proposed changes then it is advised to submit either a 'minor material' amendment application (to vary the wording / approved plans specified by condition 2 of permission 161768 under section 73 of the act) or submit a separate full planning application solely for the elements now proposed.
3. In any future submission at the site, it is advised that it would be helpful for manufacturer's details / sections of the replacement windows / insulated panels / rendered blockwork at ground floor level be submitted with any such future application, so the appropriateness of these elements can be considered in more detail. Furthermore, there appears to be an inconsistency on the plans submitted in relation to whether a rooflight is proposed on the east (Bedford Road) roofslope. The mezzanine floor plan suggests a rooflight is proposed on this roofslope, but this is not shown on the elevation plan. In any future submission it is required for all

plans to be accurate and consistent and you should consider submitting a separate roof level plan too for clarity.

4. The Local Planning Authority has worked positively and proactively with the applicant to provide full feedback, accept revisions to the proposals, explain the procedural concerns with the proposals and determine the application under the 'non-material' amendment procedure in as timely a manner as possible, within the context of the application being determined at Planning Applications Committee.
5. In reaching this decision the local planning authority has considered the following plans:

Approved plans at time of application 161768

15 468 PL01 Proposed ground and first floor plan, site location and block plans

15 468 PL02 Existing and proposed north street scene elevations and section

Proposed plans as part of this application

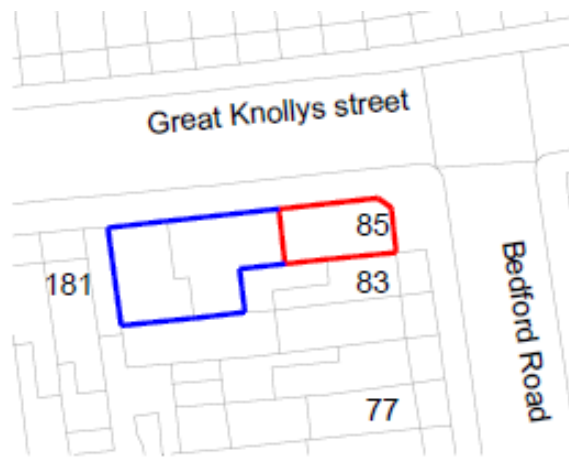
1218 11 b Proposed elevations

1218 12 b Proposed Plans

As received 18/09/18

1. INTRODUCTION

- 1.1 The application site comprises a two-storey building on the corner of Bedford Road and Great Knollys Street. It was previously in employment use (Hill's Rubber Company Ltd manufactured natural and synthetic rubber based products as a Class B1(c) light industrial use), but was granted planning permission in 2016 for conversion to two flats (see relevant history below). Around the same time a separate planning permission granted the demolition of a single storey element connected to the application site building (fronting Great Knollys Street) and the erection of two separate new dwellings, with two off-street parking spaces located between the new dwellings and the existing building. Both 2016 applications were considered by the Planning Applications Committee on 07/12/2016. At the time of the unaccompanied officer site visit as part of this application (on 19/09/2018), the site included a hoarding around it. However, it was evident that the single storey structure fronting Great Knollys Street had been demolished. Furthermore, non-material amendments and discharge of condition applications have been approved at the adjacent site (see relevant history section below).
- 1.2 The application site is located within a predominantly residential area, typically with rows of terraced houses and supplemented with some commercial properties. The application site is not listed, nor located within a conservation area, but is within an air quality management area. It is located outside of the Reading Central Area Action Plan area, albeit the boundary is further along Bedford Road at the closed swimming pool site.
- 1.3 The application is being considered at Planning Applications Committee having been 'called-in' by Councillor Page, as the original applications were referred to the Committee. The site in relation to the wider urban area is shown below, together with two site photographs and an aerial view.



Site Location Plan (not to scale)



Above: Street view image (July 2017) from the junction of Bedford Road and Great Knollys Street (prior to the demolition of the single storey element fronting Great Knollys Street).
Below: Photograph 19/09/18.





Aerial view looking south (prior to the demolition of the single storey element fronting Great Knollys Street).

2. PROPOSALS

2.1 Non-material amendments to planning permission 161768 granted on 14/12/2016 are proposed. More specifically, these seek (based on a comparison between the approved plans approved in 2016 and those proposed in this instance):

- Replace the Bedford Road / Great Knollys Street corner window with rendered blockwork;
- Retention of the existing Bedford Road door (this was approved to be blocked up by 161768);
- Replacement window at first floor level on the Bedford Road elevation (to match those existing on the Great Knollys Street façade);
- Retention of the first floor window on the west elevation (this was approved to be blocked up by 161768);
- Relocation of the dedicated bin store (approved by 161768) from adjacent to the existing Bedford Road entrance door to the Bedford Road forecourt area next to the pavement.
- Raising the sill and forming insulated stallboards below replacement ground floor windows on the Bedford Road elevation;
- Raising the sill and replacing the existing shop window with insulated panels on the Great Knollys Street elevation at ground floor level;
- Reducing the existing opening on the west elevation at ground floor level and introducing an obscure glazed window;
- Introduction of two rooflights (one on the north roofslope and one on the west elevation to facilitate an attic store);

- Possible introduction of a rooflight on the east roofslope (appears to be shown on the mezzanine floor plan, which in line with the corresponding first floor plan would be on the east roofslope).
- 2.2 During the course of the application the applicant submitted revised plans, omitting an originally proposed dwarf wall on the Bedford Road frontage and providing details as to the location and extent of the bin storage facilities proposed. Supporting commentary was also submitted.

3. PLANNING HISTORY

Application site

- 3.1 161768 - Conversion of existing building into 2 flats. Granted 14/12/2016.

Adjoining site fronting onto Great Knollys Street (also referred to as 85 Bedford Road and under the ownership of the applicant at the time of the 2016 permission)

- 3.2 161767 - Demolition of existing single storey factory extension and erection of 2 semi-detached two bedroom houses with associated parking. Granted following completion of s106 legal agreement 18/04/2017.
- 3.3 180092 - Non-material amendments to planning permission 161767 (erection of 2 semi-detached two bedroom houses) to alter the kitchen/dining room windows/doors and internal alterations to form a third bedroom or study. Agreed 02/02/2018.
- 3.4 181300 - Discharge of conditions 3 (materials), 4, 5 & 6 (contaminated land) and 11 (access construction) of planning permission 161767. Conditions discharged 11/09/2018.

4. CONSULTATIONS

- 4.1 None - no statutory requirement for this type of application. Planning Practice Guidance notes that applications under section 96A are not applications for planning permission, so they are not covered by these requirements. Local planning authorities therefore have discretion.
- 4.2 Nevertheless, given the original permission was granted by the Planning Applications Committee, under the terms of the scheme of delegation the chair, vice-chair and Abbey ward members were contacted about the application. Councillor Page subsequently 'called-in' the application for consideration by the Planning Applications Committee.

5. LEGAL AND PLANNING POLICY CONTEXT

- 5.1 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."
- 5.2 On the basis of the above, the proposed amendments are assessed for materiality - not on the basis of their planning merits. Planning policies therefore do not apply. Planning Practice Guidance makes clear that non-material amendments are not

considered against the Development Plan and instead it is for the local planning authority to be satisfied it is not material.

- 5.3 For information, where an amendment goes beyond what is considered to be 'non-material', it may be appropriately considered to be a 'minor-material amendment'. This would require a section 73 application to vary the relevant condition (e.g. the approved plans condition to make design changes). Again, there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. This approach varies from a 'non-material' amendment, for a 'minor-material' amendment application is considered against the Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Furthermore, 'minor-material amendments' results in a new permission (a 'non-material' amendment does not), there is a right of appeal (there is no right of appeal against a 'non-material' amendment), requires a new decision notice, and requires statutory publicity/consultation.
- 5.4 Where modifications to a permission are fundamental or substantial, a new planning application under section 70 is required.

6. APPRAISAL

- 6.1 The simplest method of assessing a 'non-material' amendment proposal is considered to be by assessing each element individually, before then providing an overall assessment. However, prior to doing so it is relevant to note that the original permission sought the change of use of the property and very few external alterations (which were not referenced in the description of development), with these being limited to:
- Blocking up an existing entrance door on the Bedford Road elevation
 - Blocking up two windows on the west elevation (one at ground and one at first floor level)
 - Provision of a bin storage facility in front of the blocked up Bedford Road door (on the boundary with No. 83).
- 6.2 Within this context, the 'baseline' of the original permission is that the works were largely associated with the change of use of the building, rather than significant changes to the external appearance of the building. As such, within the context of there being no statutory definition of 'non-material' and whether or not a proposed amendment is considered to be 'non-material' depends on the circumstances of the case, there is considered to be a low threshold as to what is considered to be 'non-material' and what goes beyond this to be 'minor-material amendments' in this specific instance. Should changes be considered to go beyond 'non-material', this would which necessitate a separate section 73 variation of condition 'minor-material' application (as outlined in section 5 above). Accordingly, each element of the proposal is assessed in turn:
- 6.3 Replace the Bedford Road / Great Knollys Street corner window with rendered blockwork: This change is considered to alter the design idiom of the building and potentially cause harm to the character and appearance of the building within the streetscene. As such, it is considered to go beyond a 'non-material' change. The applicant was advised during the course of the application that in any future 'minor-material' submission, it would be helpful for more details of the rendered

blockwork to be submitted, so the appropriateness of this element could be considered further.

- 6.4 Retention of the existing Bedford Road door (this was approved to be blocked up by 161768): Given the context of this entrance door being pre-existing (and remaining in place at the time of the officer site visit on 19/09/18), this specific element of the proposal is considered to be a 'non-material' change.
- 6.5 Replacement window at first floor level on the Bedford Road elevation (to match those existing on the Great Knollys Street façade): Given the appearance and finished material of the existing windows, the principle of replacing these windows with sash windows is welcomed and would be considered a 'non-material' change in the context of the existing windows elsewhere at the building and the likelihood that these would have formerly been sash windows too. Had the application been supported at officer level, a condition would have secured these windows as having timber frames.
- 6.6 Retention of the first floor window on the west elevation (this was approved to be blocked up by 161768): Given the context of this window being pre-existing (and remaining in place at the time of the officer site visit on 19/09/18), this specific element of the proposal is considered to be a 'non-material' change. Had the application been supported at officer level, a condition would have secured this window to be obscure glazed and fixed shut up to a height of 1.7m from the floor level, to protect the future amenity of occupiers within the approved dwellings fronting Great Knollys Street from overlooking and loss of privacy.
- 6.7 Relocation of the dedicated bin store (approved by 161768) from adjacent to the existing Bedford Road entrance door to the Bedford Road forecourt area next to the pavement: This modification is considered to go beyond the scope of a 'non-material' change. Initial officer concerns are raised with the design and crime/safety implications of the proposed bin storage area on the Bedford Road forecourt area. From a design perspective this is considered to introduce a utilitarian feature along the streetscene, which is not a feature which is found elsewhere in the vicinity (although there are a variety of boundary treatments, none are of the nature sought nor rise to 1.75m in height adjacent to the pavement). In terms of crime/safety, the open ended nature of the addition at both ends provides opportunities for crime/fear of crime for persons when approaching from both the south (Bedford Road) and west (Great Knollys Street) e.g. fear of persons waiting behind the ends of the structures, which would be a worse situation than either the existing or approved (by 161768) scenarios. As such, during the course of the application the applicant was advised that as well as this specific change not being considered 'non-material', the effect of the change is such that it would not be supported by officers. The applicant was advised to consider other options for bin storage locations at the site, as part of any future 'minor-material' amendment application.
- 6.8 Raising the sill and forming insulated stallboards below replacement ground floor windows on the Bedford Road elevation: On the basis of visually comparing the approved and proposed elevation, these changes appear de minimis in nature and therefore 'non-material'.
- 6.9 Raising the sill and replacing the existing shop window with insulated panels on the Great Knollys Street elevation at ground floor level: Although raising the cill is considered 'non-material', the form and finished appearance of the insulated panels is considered somewhat unclear and could alter the design idiom of the

building, potentially causing harm to the character and appearance of the building within the streetscene. As such, it is considered to go beyond a 'non-material' change. The applicant was advised during the course of the application that in any future 'minor-material' submission, it would be helpful for more details of the insulated panels to be submitted, so the appropriateness of this element could be considered further.

- 6.10 Reducing the existing opening on the west elevation at ground floor level and introducing an obscure glazed window: Owing to the nature/context of this change, this specific element of the proposal is considered to be a 'non-material' change. Had the application been supported at officer level, a condition would have secured this window to be obscure glazed and fixed shut up to a height of 1.7m from the floor level, to protect the future amenity of occupiers within the approved dwellings fronting Great Knollys Street from potential overlooking and loss of privacy.
- 6.11 Introduction of two rooflights (one on the north roofslope and one on the west elevation to facilitate an attic store): This element of the proposals is considered to be a 'non-material' change, for it does not alter the design idiom or result in any amenity concerns, owing to its limited size, projection and location at roof level.
- 6.12 Possible introduction of a rooflight on the east roofslope (appears to be shown on the mezzanine floor plan, which in line with the corresponding first floor plan would be on the east roofslope): If this element of the scheme is proposed (it is unclear based on the inconsistent plans) then it would be considered to be a 'non-material' change, for it does not alter the design idiom or result in any amenity concerns, owing to its limited size, projection and location at roof level.

Concluding comments

- 6.13 On the basis of the above, officers consider that in a number of instances the proposals go beyond what can be considered to be 'non-material' changes in the context of the original permission. Therefore, from a procedural point of view the proposed changes cannot be agreed via the s96a non-material amendment process sought. In essence the original permission granted largely the change of use of the building, whereas this proposal seeks to incorporate significantly more physical works externally. During the course of the application officers have advised the applicant of this and suggested that a 'minor-material' amendment application would be a more suitable basis in which to make the proposed changes, notwithstanding the concerns expressed regarding the design/amenity impacts of the now proposed bin storage facility.
- 6.14 Furthermore, the applicant was advised that some individual elements of the proposals (e.g. replacement window at first floor level on the Bedford Road elevation and installation of two rooflights at roof level) been considered in isolation, these would have been considered 'non-material' changes. However, split decisions cannot be issued in this type of application and, given that other elements are not considered to be 'non-material', the entire proposals are not able to be supported.

Equality

- 6.15 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and

civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

7. CONCLUSION

- 7.1 The proposed fenestration alterations at ground floor level and erection of a bin enclosure on the Bedford Road frontage, owing to the changes in the external appearance of the building and potential detrimental impacts on amenity, are considered to go beyond the scope of a non-material amendment to planning permission 161768.

Drawings and Information taken into account:

Approved plans at time of the original application 161768

15 468 PL01 Proposed ground and first floor plan, site location and block plans

15 468 PL02 Existing and proposed north street scene elevations and section

Proposed plans and documentation as part of this application

1218 11 b Proposed elevations, as received 18/09/18

1218 12 b Proposed Plans, as received 18/09/18

Letter from M D Howlett Associates Ltd, as received 18/09/18

Emails from M D Howlett Associates Ltd dated 12/09/18, 14/09/18 & 18/09/18

Case Officer: Jonathan Markwell



Above and below: Site photographs at the time of the 2016 planning applications





Above: Approach to the site from Bedford Road (19/09/18) Below: Street view image (July 2017).





Approach to the site from Great Knollys Street (19/09/18)

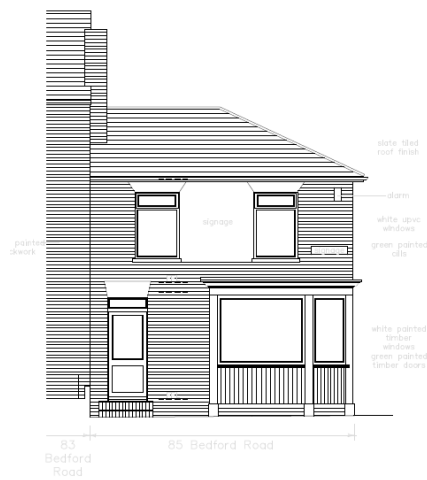


Corner of Beford Road and William Street



Longer streetscene view along Bedford Road

Existing Plans submitted with the original permission 161768



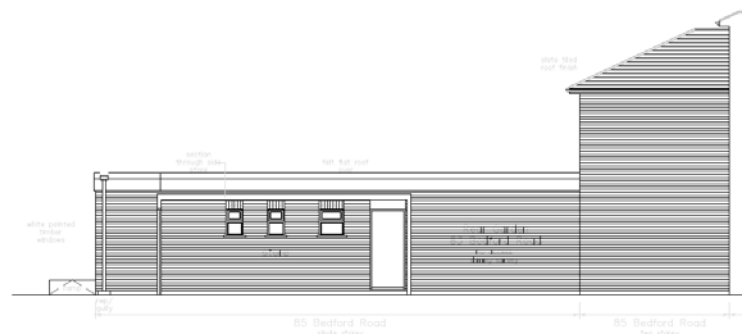
FRONT ELEVATION



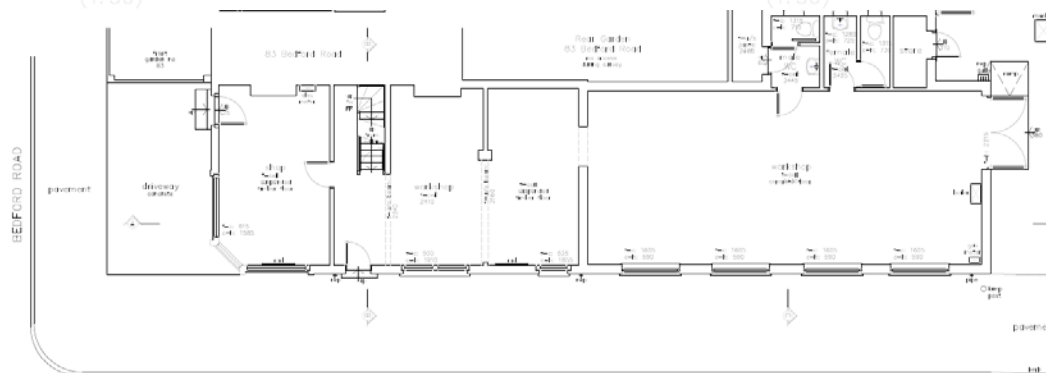
FLANK ELEVATION



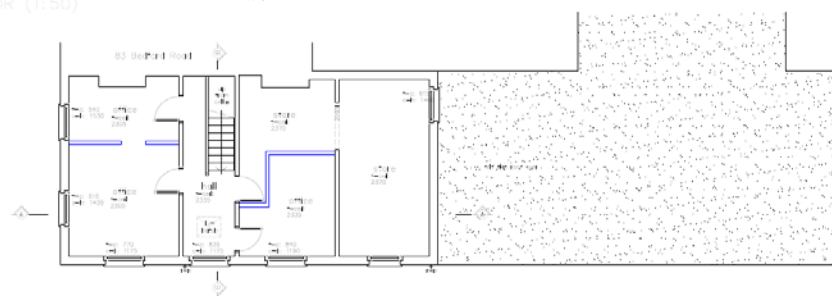
REAR ELEVATION
(1:50)



FLANK ELEVATION
(1:50)

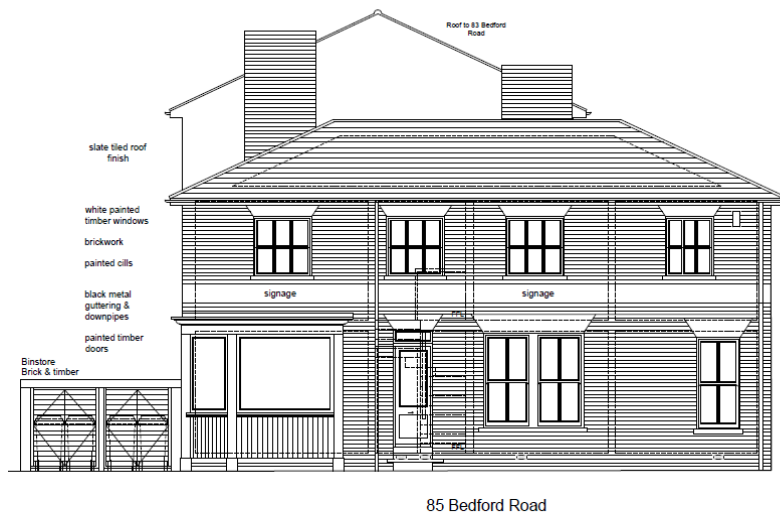


GROUND FLOOR (1:50)

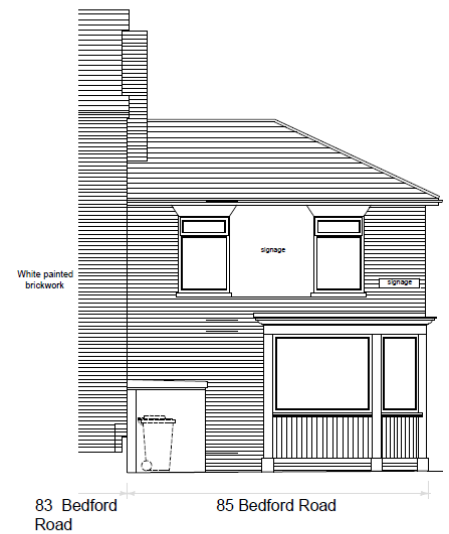


FIRST FLOOR
(1:50)

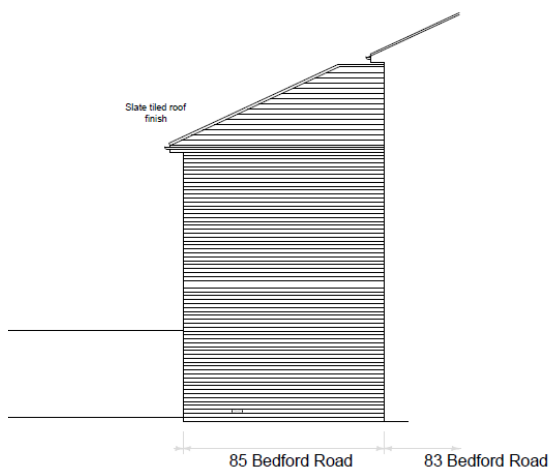
Proposed Plans approved by original permission 161768



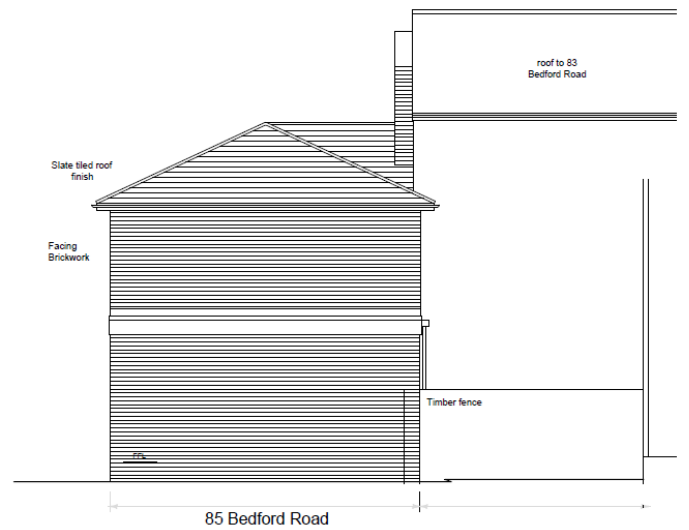
**NORTH ELEVATION
(FRONT)**



**EAST ELEVATION
(SIDE)**

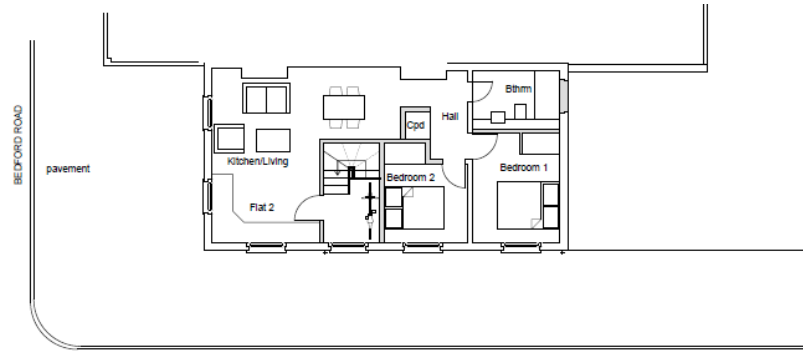


**SOUTH ELEVATION
(REAR)**

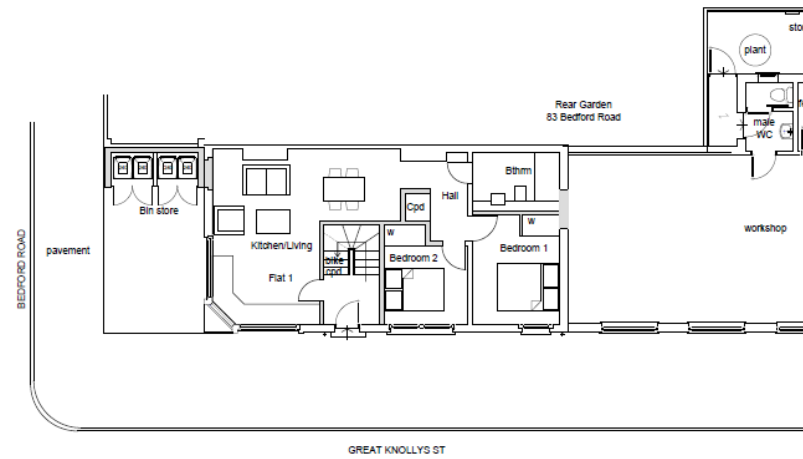


**WEST ELEVATION
(SIDE)**

Elevation plans approved by the permission in 2016

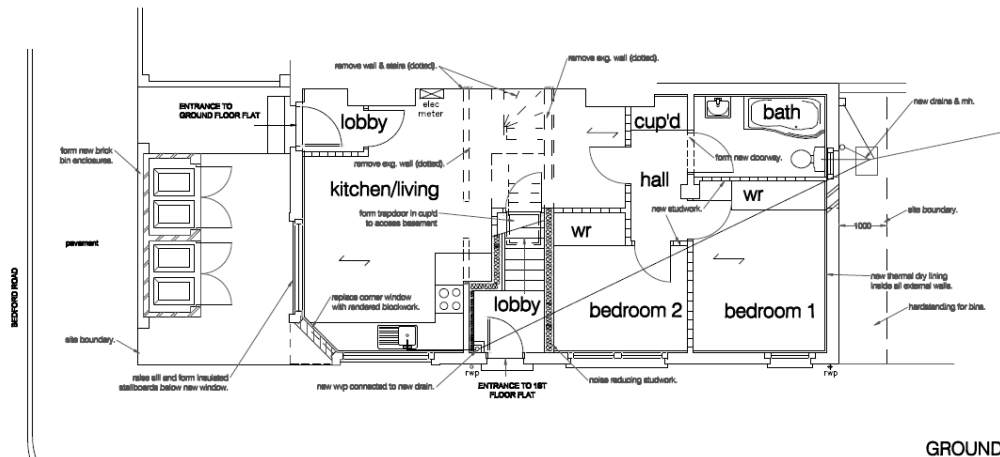
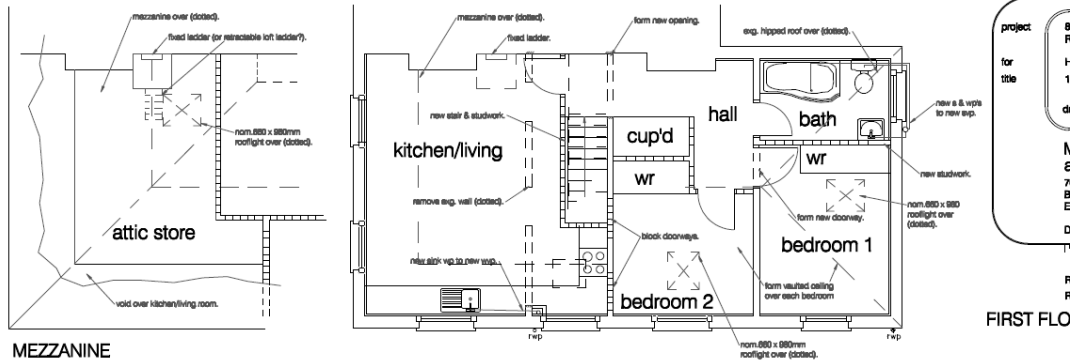


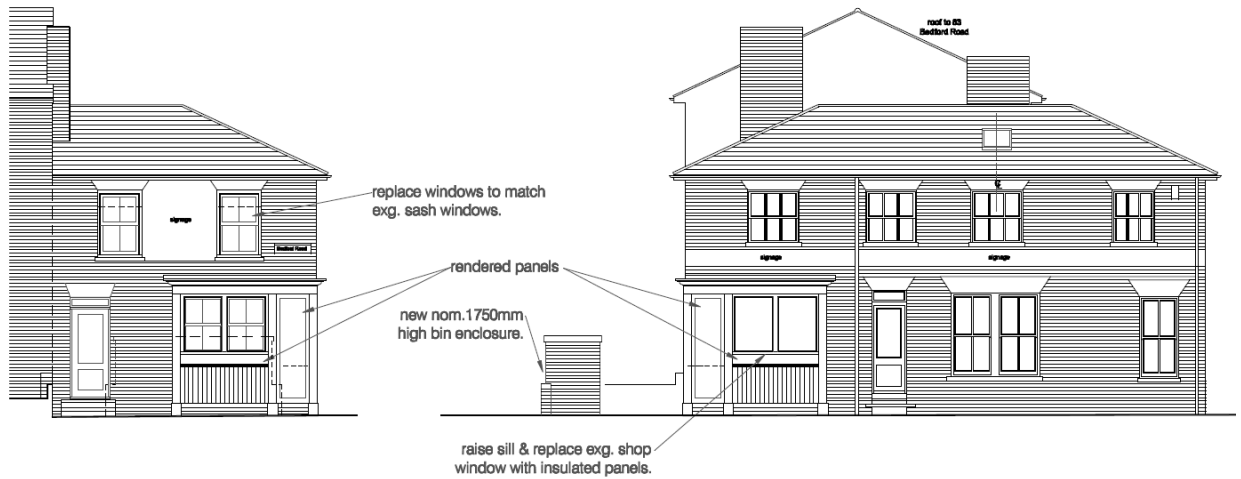
FIRST FLOOR 1/100



GROUND FLOOR 1/100

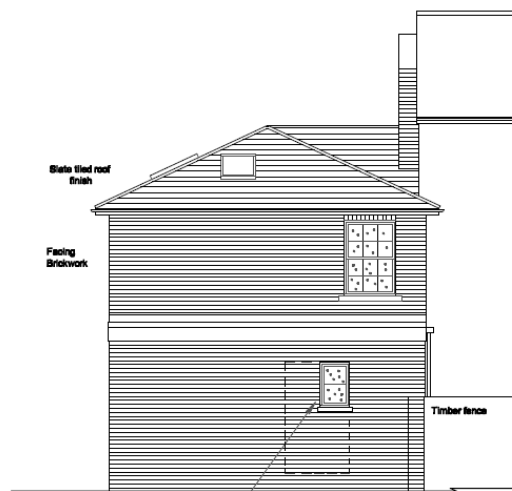
Proposed plans as part of this non material amendment application 181465





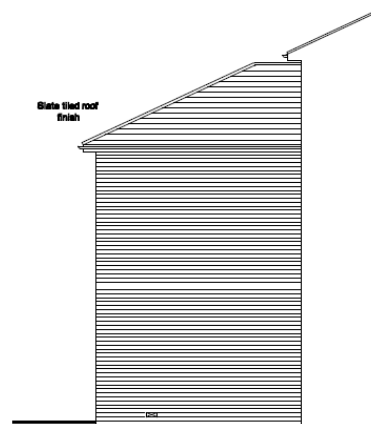
EAST

NORTH



reduce existing opening in matching brickwork & insert new obscure-glazed window.

WEST



SOUTH

Proposed elevations (versions with & without the bin store shown)