

DELEGATED APPLICATION REPORT

Address: 173-175 Kings Road, Reading

Application No's: A) 171335/NMA & B) 171336/LBC

Proposal: A) Non-material amendments to planning permission 160775/FUL to alter the internal layouts of flats 11&12 at lower ground floor level, flats 8&9 at ground floor level and flat 7 at first floor level.

B) Internal alterations to layout of flats 11&12 at lower ground floor level, flats 8&9 at ground floor level and flat 7 at first floor level previously approved by consent 160776/LBC

Applicant: Christina Meyer

Date received (valid from): A) 14/08/17 B) 03/08/17

Target Decision date: A) 11/09/17 B) 28/09/17

Earliest Decision date: A) 30/08/17 - after Councillors consultation B) 14/09/17

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. The site is located to the east of the town centre, fronting Kings Road with vehicular access to the rear from Orts Road. The site comprises two connected buildings (No's 173 & 175) on the north side of Kings Road, close to the junction with Eldon Road (to the south). No. 173 is five-storeys in height, including a lower ground and roof levels. No. 175 is three-storeys, also including a lower ground and roof level space. Both buildings are constructed from Bath Stone with a slate roof, with the applicant also the owner of the neighbouring No. 177 Kings Road (although this building forms no part of these proposals). A front amenity space steps down from the building to road level. A large hard surfaced car park exists to the rear, some of which is within the demise of No. 177.
- ii. The buildings are Grade II* listed, as part of a list entry that covers 173 to 183 Kings Road (odd). It was apparent from an officer site visit in July 2016 that all original features within the building had gone (it is understood this is due to a fire in the late 1980s, resulting in the substantial re-building of the properties - although they were at no point delisted).
- iii. A large Plane Tree, subject to TPO 95/06, exists within the rear car park area, together with smaller trees close to the rear of the building. Three smaller trees exist close to the front boundary. The site lies in the Eldon Square Conservation Area and is also within an air quality management area.

2. The Proposal

- i. Non-material amendments to planning permission 160775/FUL (Change of use from office (Class B1a) to 15 (4x1, 10x2 & 1x3-bed) residential units (Class C3) and associated works, including fenestration alterations at lower ground floor level, balustrade and door at rear first floor level to facilitate external terrace, rooflights and vents).
- ii. More specifically, these seek:
 - Alterations to the internal layouts of flats 11&12 at lower ground floor level, flats 8&9 at ground floor level and flat 7 at first floor level.

- iii. To clarify, the number of residential units is not changing and neither is the mix of units. Instead, the internal layout is being reconfigured with bathrooms/en-suites being re-positioned.
- iv. In addition, given the listed nature of the application site buildings, separate listed building consent is also sought for these works. There is no process for making amendments to listed building consents, so a further standard listed building consent is sought.

3. Consultations

- i. External Consultees

Historic England were consulted on the listed building application (given the grade II* listing). A response was received on 22/08/17 specifying that HE do not wish to offer any comments on this occasion. As such, HE recommends that this application should be determined in accordance with national and local policy guidance, and on the basis of RBC's expert conservation advice.

- ii. External Public Consultation

Not required for the non-material amendment application.

In terms of the listed building consent, a site notice was erected on 18/08/17, expiring on 08/09/17. A press notice was published on 24/08/17, expiring on 14/09/17.

- iii. Chair and Vice Chair of the Planning Application Committee and Abbey Ward Councillors

The above councillors were notified via email of the above application, seeking any comments and agreement to the application being determined by officers under delegated powers. This communication detailed that if no response was received by 29 August 2017 it would be assumed that no comment was wished to be made.

No responses have been received.

4. Plans/Documents Considered

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

16-P1255-13 Rev P4 - Proposed floor plans lower ground and ground, as received 03/08/17

16-P1255-14 Rev P7 - Proposed floor plans first, second & third, as received 03/08/17

Design and Access Statement Addendum by Ascot Design dated August 2017, as received 03/08/17

5. Relevant Planning History

- i. 160775/FUL: Change of use from office (Class B1a) to 15 (4x1, 10x2 & 1x3-bed) residential units (Class C3) and associated works, including fenestration alterations at lower ground floor level, balustrade and door at rear first floor level to facilitate external terrace, rooflights and vents. Granted following completion of s106 legal agreement 22/12/16.
- ii. 160776/LBC: Internal and external alterations associated with change of use from office (Class B1a) to 15 (4x1, 10x2 & 1x3-bed) residential units (Class C3) and associated works, including fenestration alterations at lower ground floor level, balustrade and door at rear first floor level to facilitate external terrace, rooflights and vents. Granted 5/1/17.

6. 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.

7. 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."*

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8. Relevant Policies

- i. The proposed non-material amendments are assessed for materiality - not on the basis of their planning merits. Planning policies therefore do not apply.

- ii. In terms of the listed building consent, the following are of relevance:

National

National Planning Policy Framework

National Planning Policy Guidance

Reading Borough Local Development Framework

Core Strategy 2008 (Altered 2015)

CS33 Protection and Enhancement of the Historic Environment

Others

Eldon Square Conservation Area Appraisal 2004

9. Appraisal

- i. 171335/NMA - In the context of the permitted scheme it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities, quality of accommodation for future occupiers, transport & highway safety or landscaping 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 (all internal and not increasing the number of bedrooms within individual units) and nature in this context. The applicant has explained that the changes have come forward as a result of design development, in particular to take account of building control regulations (in particular fire regulations) and servicing requirements.

- ii. 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 substantive permission, 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.
- iii. 171336/LBC - The original plan-form of the building has been lost across the building and the new partitions / internal layout would therefore have no impact in this regard. It is duly considered that the proposed works are acceptable in terms of the impact on the listed building and all other nearby heritage assets.

10. Conclusion

- i. 171335/NMA - The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.
- ii. 171336/LBC - The local planning authority is satisfied that the proposals are appropriate in listed building terms, as per the assessment and relevant policies / guidance specified above.

Recommendation

Grant Non-material amendment

Grant Listed Building Consent

11. Conditions:

Non material amendment 171335:

1. The drawings hereby approved as Non-Material Amendments to original planning permission 160775/FUL are as follows:

16-P1255-13 Rev P4 - Proposed floor plans lower ground and ground, as received 03/08/17

16-P1255-14 Rev P7 - Proposed floor plans first, second & third, as received 03/08/17

Reason: To clarify which plans are approved.

Informatives:

1. This permission relates only to the non-material amendments sought and described above and highlighted on the plans. Furthermore it shall only be read in the context of the substantive planning permission granted on 22/12/2016 under reference number 160775/FUL, 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) 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 the application under the non-material amendment procedure within the recommended timeframes.

Listed Building Consent 171336/LBC

1. The works to which this consent relate shall be begun not later than the expiration of three years from the date of this consent.

Reason: in accordance with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Informatives:

1. This Consent refers to works as set out in the following approved plan and document:

16-P1255-13 Rev P4 - Proposed floor plans lower ground and ground, as received 03/08/17

16-P1255-14 Rev P7 - Proposed floor plans first, second & third, as received 03/08/17

Design and Access Statement Addendum by Ascot Design dated August 2017, as received 03/08/17

This is to ensure that the remaining works are carried out in full accordance with the approved drawings and details, in order to protect the special historic and architectural character of the listed building, in accordance with Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

2. Approved works may require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
3. Officers have worked positively and proactively with the applicant to determine the application within the target timescale for this type of application.
4. For the avoidance of doubt, no other works are approved except those as authorised by this Consent. Any other works required to the Listed Building may require a separate application for Listed Building Consent and/or an application for Permitted Works to a Listed Building.