

## **DELEGATED APPLICATION REPORT**

**Address:** Former Yell House, Queens Walk, Reading

**Application No:** 170876/NMA

**Proposal:** Non-material amendments to permission 161177 (granted on 09/12/2016) to alter the dropped kerb access arrangements at basement floor level.

**Applicant:** Crown Student Living

**Date received (valid from):** 05/06/17

**Target Decision date:** 03/07/17

**Case officer:** Jonathan Markwell

### **1. Site Description and Surrounding Area**

- 1.1 The application site comprises the former Yell House building, the connected Penta Hotel and associated raised deck courtyard space. The site is at the junction of Oxford Road and the A329 Inner Distribution Road (IDR), with the pedestrianised Queens Walk immediately to the east. Works in connection with this application relate solely to Yell House and the courtyard space. Yell House is a basement and eight-storey building previously in use for office (Class B1) use, but is nearing completion for a student use (as per permission 150752, later varied by 161177).
- 1.2 The former Yell Building forms an L shape with the north 'front' elevation, containing the main entrance (orientated toward the Penta Hotel), and the east 'front' elevation orientated towards Queens Walk, but set back within the site. The south 'side' elevation of Yell House is orientated towards the Hexagon Theatre and is visible from the pedestrian 'podium' level of Queens Walk / Dusseldorf Way and the access road below. The west 'rear' elevation is orientated towards and is visible from the IDR and Howard Street beyond.
- 1.3 This application site is located within the West Side Major Opportunity Area of the Reading Central Area Action Plan. More specifically it is within the Broad Street Mall sub area, adjacent to the boundary with the Hosier Street sub area (to the south). The site is also within the designated office core, central core, tall buildings cluster (western grouping) and an air quality management area. The Penta Hotel part of the site is within the primary shopping area, but the Yell House part of the site is outside of this area. Oxford Road to the north of the site is a designated cycle route. The application site is located outside of a conservation area, but to the west beyond the IDR is the Russell Street / Castle Hill Conservation Area. No. 101 Oxford Road (on the corner of Oxford Road and Howard Street) and No's 4 & 4a Howard Street, which face the western elevation of the application site building, are Grade II listed buildings.
- 1.4 The surrounding area comprises a mix of uses, with a hotel to the north (Travelodge), various retail and restaurant/café's to the east within Queen's Walk and Broad Street Mall and offices / car parking on upper floors above/adjacent to Broad Street Mall. To the south is the Hexagon Theatre,

beyond which is the land of the former Civic Offices. To the west is the aforementioned IDR and Howard Street residential properties.

## **2. The Proposal**

- i. Non-material amendments to planning permission 161177 granted on 09/12/2016 are proposed. More specifically, these seek to alter the dropped kerb access arrangements at basement floor level, to enable an altered sized refuse vehicle to service the site.

## **3. Public Consultation**

- i. Neighbour Consultation  
No statutory requirement for any for this type of application.
- ii. Chair and Vice Chair of the Planning Application Committee and Abbey Ward Councillors

The above councillors were notified via email of the above application on 14/06/17, seeking any comments and agreement to the application being determined by officers under delegated powers by 21/06/17.

Cllr Page has replied detailing no issues with the proposed changes.

No other responses were received.

## **4. Consultations**

- i. No statutory requirement for this type of application, but given the nature of the proposals Waste Services and Transport Planning were consulted. Following the submission of a revised plan, clarifying and confirming various detailed matters raised by Transport Planning, both departments are satisfied with the proposed changes.

## **5. Plans Considered**

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

Plans to be superseded:

2000 Rev X GA - Basement Plan, as received 16/09/16

Plans as now proposed:

2000 Rev BB GA - Basement Plan, as received 14/06/17

Email from AWW 'RE: 80754 / 170876 - Former Yell House - Queens Walk', dated and received 16/06/17

## **6. Relevant Planning History**

- i. 150752 - Change of use from office (Class B1) to 287 student units (395 bedspaces) (Sui Generis), incorporating erection of two-storey extension, external alterations, new landscaping and associated alterations (amended description). Granted following completion of s106 Legal Agreement 01/09/2015.
- ii. 151582 - Approval of conditions 3 (Materials), 9 (Construction Method Statement), 11 (Acoustic Scheme), 13 (Dust Scheme), 14 (Hard and Soft Landscaping) and 16 (Landscaping Management Plan) of planning permission 150752. Granted 10/11/15.
- iii. 160141/NMA - Non-material amendments to planning permission 150752 to: omit the approved ground to fifth floor metal cladding on part of the north, east and south elevations and maintain the existing brickwork; amend the type of brick slip cladding system (proprietary clay to corium clay) at fifth floor level and on two south elevation projecting columns. Agreed 23/02/16.
- iv. 160398/VARIAT - Variation of condition 10 (Construction Hours) of planning permission 150752 to widen the hours to carry out works. Condition varied 29/04/16.
- v. 161277 - Discharge of condition 19 (overlooking reduction measures) of planning permission 150752/FUL. Discharged 17/08/16.
- vi. 161712 - Discharge of conditions 7 (Addresses) and 18 (Security Strategy) of permission 150752/FUL. Discharged 10/11/16.
- vii. 161177 - Variation of conditions 2 (approved plans) and 25 (BREEAM) of planning permission 150752 (various extensions and associated alterations for change of use to student units), namely for minor material amendments including provision of external flue on west elevation, and for a 55% 'very good' BREEAM rating to be achieved. Conditions varied following completion of deed of variation s106 legal agreement 09/12/16.

## **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. 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, 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 and nature in this overall context. Furthermore, specialist waste and transport officers are content with the proposed changes, which are necessary to enable an altered sized refuse vehicle service the building.
- ii. An informative is recommended which states that this permission relates only to the changes highlighted on the plan. Furthermore, it shall only be read in the context of the substantive full 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.

## **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. Condition:**

1. The drawing and information hereby approved as a Non-Material Amendment to planning permission 161177, as granted on 09/12/2016, are as follows:

2000 Rev BB GA - Basement Plan, as received 14/06/17

Email from AWW 'RE: 80754 / 170876 - Former Yell House - Queens Walk', dated and received 16/06/17

Reason: To clarify which plan and information is approved and in the interests of proper planning.

### **Informatives:**

1. This permission relates only to the non-material amendments sought and described above and highlighted on the plan. Furthermore, it shall only be read in the context of the substantive planning permission granted on 09/12/2016 under reference number 161177 (which itself varied original permission 150752), 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 under the non-material amendment procedure within the recommended timeframes.