

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 240341/NMA

Address: 49, 50 & 52 Broad Street Mall, Reading, RG1 7QE

Proposals: Minor amendment to condition 2 (plans) of planning permission 231464 for changes to the internal layout.

Case Officer: Nathalie Weekes

Target Decision date: 13 May 2024

1. SITE DESCRIPTION

The site is located in the Broad Street Mall and within the Reading Central Area, the Primary Shopping Area and Office core, as designated in the Local Plan. Additionally it is relevant that the site falls within the Cumulative Impact Area designated by Reading Borough Council as Licensing Authority. This seeks to monitor the significant number of licensed premises concentrated in one area to avoid an increase in anti-social behaviour. The units are sited across from student accommodation, hotel and is in close proximity to The Biscuit Factory, Spinners Crazy Golf and Bowling and The Hexagon theatre. The Broad Street Mall multi storey car park and Reading Business Centre are sited above the units.

Planning permission 231464 was granted for the amalgamation of units 49- 50 and 52, change of use from Use Class E (Commercial, Business and Service) to sui generis use (family entertainment centre) and external alterations on Queens walk frontage on 8 December 2023.

2. PROPOSAL AND SUPPORTING INFORMATION

A non-material amendment is proposed to Planning Permission 231464 to condition 2 (plans) for changes to the internal layout.

Internal changes comprise:

Reconfiguration of the toilets

Reconfiguration of the bar and seating area

Changes to the internal machine layout

No changes are proposed to the change of use or business model as approved under planning permission 240341.

Plans considered

3056-006 Rev 3 Proposed elevations

3056-008 Rev 3 Ground floor

As received 18 March 2024

Email from the agent to confirm that the business offering will remain the same, with individual games falling under the same categories, as previously approved, with minor changes made following the refit of the units, on 17 April 2024 at 17:18.

As received 17 April 2024

Revision to Condition 2

The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

3056-001 Rev.1 Location Plan, dated August 2023
3056-002 Rev.1 Block Plan, dated August 2023
~~3056-006 Rev.2 Shopfront Alterations, dated August 2023~~
3056-007 Rev.1 Basement as Proposed, dated August 2023
~~3056-008 Rev.2 Proposed Ground Floor, dated August 2023~~
As received 12 October 2023
3056-006 Rev 3 Proposed elevations
3056-008 Rev 3 Ground floor
As received 18 March 2024

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Planning History

231464 Amalgamation of units 49- 50 and 52, change of use from Use Class E (Commercial, Business and Service) to sui generis use (family entertainment centre) and external alterations on Queens walk frontage. Permitted 8 December 2023

3. CONSULTATIONS

Applications under S96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO.

4. 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.

5. RELEVANT POLICIES

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

6 APPRAISAL

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."*

The judgement as to whether something is 'material' has to be made on a case-by-case basis, i.e. what is non-material in one case may be material in another.

According to the Councils procedures, applications for minor amendments will only be accepted if:

- The request for an amendment relates to a permission that is still capable of implementation.
- The change does not alter the description of the proposal.
- The 'red line' identifying the application site has not altered
- Any change is not contrary to the requirements of a restrictive condition attached to the planning permission.

When judging whether the change is 'minor', the following criteria will be used:

- There is no material increase in any overall dimension of the building/structure.
- There is no harm caused through the internal layout of the building/structure.
- The internal layout revisions do not give rise to any planning consequences.
- The internal changes would not result in any change in use of the site as previously granted.

The description of the proposal would not be changed, nor would the red line denoting the application site boundary. The works would not be contrary to a planning condition.

In the context of the permitted scheme, the internal layout revisions are not considered to have any material impact on the overall change of use. The revised plans should be included in Condition 2 (Approved plans).

7. Conclusion

The local planning authority is satisfied that the change proposed by this application does not constitute a material change to the approved planning permission. The revisions are, in this instance, considered a minor amendment which is not considered to materially affect the original change of use proposed.

Recommendation

Grant Non-material amendment