

DELEGATED APPLICATION REPORT

Address: Bennet Court, Bennet Road, Reading, RG2 0QX

Application No: PL/24/1011

Proposal: Non-material amendments to permission 221936 (granted on 05/12/2023 for demolition of existing buildings and erection of one industrial building) to alter the wording of conditions 2 (approved plans), 7 (outside storage) and 13 (parking) to provide a transformer structure in the north-east of the site, a louvre on the east elevation and additional photovoltaics at roof level (amended description).

Applicant: DV5 Coltham (Reading) Ltd

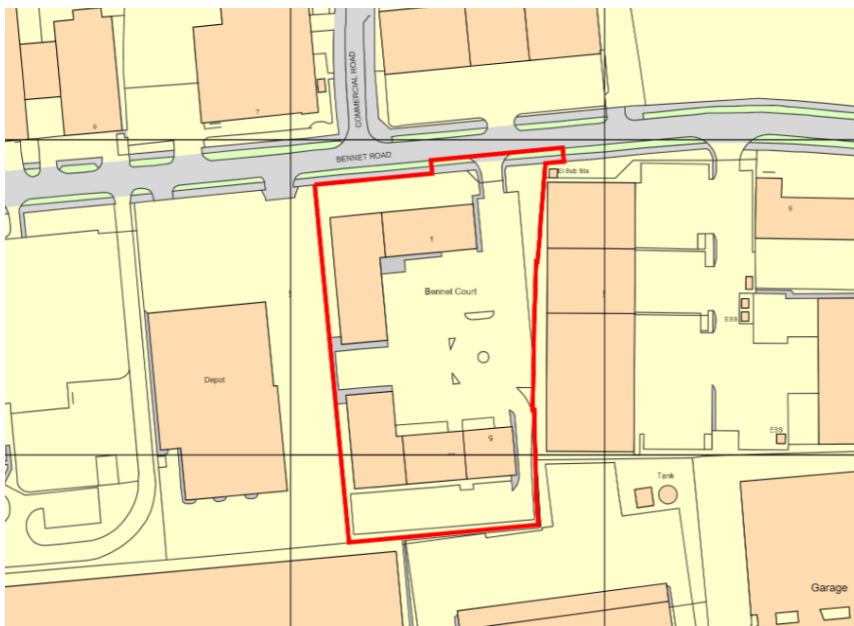
Date received (valid from): 06/08/2024

Target Decision date: Originally 03/09/2024, but an extension of time for the determination of the application was subsequently agreed until 10/10/2024 (it was agreed for the application to be determined within 5 working days of acceptable information being submitted)

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site is 0.76 hectares in size and roughly rectangular in shape. It is located on the south side of Bennet Road, opposite the junction with Commercial Road (to the north) and is known as Bennet Court. As existing, the site comprises two red-brick 'r' shaped office buildings, both two-storeys in height. The buildings are complemented by surface level car parking, a variety of soft landscaping around the perimeter of the site (including a series of trees on the eastern boundary – a group of street trees along Bennet Road existed until at least August 2021, before being removed prior to the submission of the original application). The site is largely flat and access is solely possible from Bennet Road, with the remainder of the existing site enclosed by fencing. The red line site boundary includes part of the Bennet Road pavement and verge.



- 1.2 The surrounding area is solely commercial in nature. A variety of premises surrounding the site, such as a Select Environmental Services centre to the north, a series of occupiers within a large warehouse to the east, the Smith News publishing centre to the south (fronting onto Acre Road) and a Renault truck dealership to the west. The site is within the designated Bennet Road Core Employment Area, as per Policy designation EM2d (Location of New Employment Development – Bennet Road). The site is also identified as having potential to contain contaminated land and is within a smoke control zone. The site is located within the outer consultation zone associated with AWE Burghfield, as per Policy OU2 (Hazardous Installations). There is no requirement to consult the Office for Nuclear

Regulation (ONR) on the original application as the development was unlikely to lead to an increase of 500 people at the site. The application site is located within Flood Zone 1. There are no listed buildings or any heritage assets on site, with none in the immediate vicinity either. The site is also located outside of any designated conservation area.

- 1.3 The site is located within the Secondary Core Area (Zone 3) of the Council's adopted Parking SPD. The site is accessible via public transport with the closest bus stops located on the B3031 Basingstoke Road, around 300 metres away, which provide frequent services towards Reading Town Centre and Whitley Wood. The site is strategically well located with the main A33 located west of the site, providing wider access to the M4, town centre and wider road network. Bennet Road is a cycle route in the Local Cycling and Walking Improvement Plan (LCWIP).

2. The Proposal

- 2.1 Non-material amendments to planning permission 221936 granted on 05/12/2023 are proposed. More specifically, the proposal seeks to:

- alter the wording of conditions 2 (approved plans), 7 (outside storage) and 13 (parking) to provide a transformer structure in the north-east of the site, a louvre on the east elevation and additional photovoltaics at roof level.
- More specifically, condition 2 is sought to be amended to list the relevant revised plans to accommodate this change.
- Given that the updated plans are also referenced in conditions 7 and 13, these conditions are sought to be updated too to reflect the latest plans, whilst acknowledging that the proposed changes themselves do not seek to alter the outside storage or parking intentions.

- 2.2 Prior to the registration of the application a number of clarifications were sought and further information was provided to clarify the exact nature and extent of the proposed changes, to enable the application to be assessed in full.

- 2.3 During the course of the application further information was submitted by the applicant to address initial feedback from the Planning officer, Natural Environment officer and Environmental Protection officer. In addition, the description of development has been amended to omit the original reference to the minor reconfiguration of the car parking area being proposed, as this was confirmed by the applicant on 30/08/2024 to not form part of the proposals (following officer correspondence querying this element of the proposals).

3. Public Consultation

- i. Neighbour Consultation

No statutory requirement for any for this type of application.

No responses received.

- ii. Chair & Vice Chair of the Planning Application Committee and Whitley Ward Councillors

Not required following changes to the scheme of delegation in April 2020.

4. Internal / External Consultations

- i. **GS Ecology** (RBC Ecology consultants) advises that the application requests non-material changes to application 221936, including the addition of a transformer in the proposed soft landscaped area of the site. The installation of the transformer will result in the removal of a small grassland area (approximately 16m²). The applicant has provided an updated biodiversity net gain calculation to reflect this loss. Although the proposals will

cause a minor reduction in biodiversity, a net gain of over 10% is still achievable through new tree planting, enhancement of retained and reinstated grassland and an extensive green roof. As such, there are no objections to these amendments.

- ii. **RBC Environmental Protection** originally advised that the site is a low risk location, meaning it is unlikely that a full noise assessment would be required. However, it is sought for some technical information to be provided to in terms of the anticipated noise emissions from the transformer to confirm that the proposals are appropriate.

Upon the receipt of further information by the applicant on 20/09/2024 (including technical information and specifying that the noise emitted from the transformer would be 62dB at 1m away from the transformer), Environmental Protection confirmed that no noise assessment is required, given the specified noise levels, the location of the site and the distance from the nearest residential properties.

- iii. The **Lead Local Flood Authority** reviewed the proposed changes and confirmed that there are no objections.
- iv. **RBC Natural Environment** originally questioned the impact of the proposed transformer on landscaping / trees. For example, in conjunction with the landscaping details approved through application 240150 at the site, there may be conflicts with the root barriers, but this is unclear as the approved new trees are not shown on the proposed layout plan.

In terms of landscaping, the inclusion of the Transformer appears to change the 'wellbeing space' and surrounding landscaping and if so, a revised landscape plan will be required – ensuring there is some screening between the two would be beneficial.

A revised Incoming Utility Services Layout will also be required as the approved one does not show the Transformer or electrical route to/from this.

It was also noted that the Transformer is located within the fenced off tree protection zone and is not factored into the AMS, given it was ultimately omitted. It's location needs to be considered in relation to retained trees.

Ultimately, the inclusion of the Transformer may be acceptable, however, submissions do not cover all the impacts of its inclusion; hence, it is not currently acceptable.

More information was submitted by the applicant on 20/09/2024, responding to these initial comments.

5. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the application form submitted by the applicant, together with the following plans and documents:

22-024-PL-04 Rev F – Floor Plan & Roof Plan – As Proposed

22-024-PL-05 Rev J – Elevations & Sections – As Proposed

22-024-PL-06 Rev D – Site Sections

Email from Air & Acoustic Consultants 'RE: Bennet Court, Bennet Road, Reading (Application No: 221936/240021)' dated 11/06/2024

Letter and Figures 1-3 from FPCR Environment and Design Ltd '11224 Bennet Court, Reading – Biodiversity Net Gain Updates', Ref 11224 / CHK dated 25/07/2024

As all received on 06/08/2024

Bennet Court (11224) Biodiversity Metric 3.1 – Calculation Tool Metric Version G, dated 25/07/24

As received 14/08/2024

Email from BHP Design 'RE: Bennet Ct, Bennet Rd (PL/24/1011)' dated and received 15/08/2024

22-024-PL-03 Rev P – Site Layout Plan – As Proposed (OS Based)
As received 30/08/2024

22-024-PL-18 – Single Sub Station Floor Plans & Elevations
As received 04/09/2024

TG-NET-SST-018 – Secondary Distribution Substations - Particular Requirements for Outdoor Substation and Enclosures - Design and Installation Standard by Scottish & Southern Electricity Networks Rev 1.01 dated November 2017

1870-ESC-00-ZZ-DR-Z-1002 Rev T7 - Proposed Incoming Utility Services Layout

8085.PP.4.0 Rev E – Bennett Court, Reading Planting Plan

100 Rev T8 – Drainage Layout

Bennet Court Reading Drainage Strategy, Ref 2022-124 Rev 5

Email from BHP Design 'RE: Bennet Ct, Bennet Rd (PL/24/1011)' dated 20/09/2024

BHP response to Natural Environment Officer comments dated 02/09/2024 , as received 20/09/2024

As all received on 20/09/2024

BHP response to Natural Environment Officer comments dated 20/09/2024, as received 02/10/2024

Arboricultural Method Statement by Aspect Arboriculture Ref 11491_AMS.001 Rev F dated October 2024, as received 03/10/2024

6. Relevant Planning History

221936/FUL - Demolition of existing buildings and erection of one industrial building for flexible industrial processes (Use Class E (g)(iii)), general industrial (Class B2) or storage or distribution (Class B8) uses with ancillary offices, and all other ancillary and enabling works including altered access, on-site parking, landscaping, drainage, engineering and boundary treatment works. Granted following completion of s106 legal agreement 05/12/2023.

240021/NMA - Non-material amendments to permission 221936 (granted on 05/12/2023 for demolition of existing buildings and erection of one industrial building) to alter the wording of conditions 2 (approved plans), 7 (outside storage) and 13 (parking) to provide a canopy above the entrance, and separately alter the wording of condition 8 (BREEAM Interim Certificate) to alter the time trigger for approval from pre- commencement (barring demolition) to pre-occupation. Agreed 14/02/2024.

240150/APPCON - Discharge of conditions 3 (Materials), 12 (Demolition and Construction Method Statement), 24 (Sustainable Drainage Strategy), 25 (Landscaping) and 26 (Arboricultural Method Statement and Tree Protection Plan) of planning permission 221936. Granted 18/07/2024.

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 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

A number of changes are proposed as part of this application. It is therefore most appropriate to consider each in turn:

a) Alter the wording of condition 2 (approved plans)

The changes comprise the addition of a transformer close to the entrance to the site, a louvre on the east (side) elevation and the provision of additional photovoltaic panels at roof level. Both individually and cumulatively these additions/changes are considered to be relatively minor additions which do not significantly compromise the design idiom of the scheme (although the transformer is undoubtedly utilitarian in appearance and would be located in a fairly prominent position close to the site entrance, it is not considered harmful in the context of the site and surrounding area, which is undoubtedly commercial in nature) and would improve the quality of the commercial accommodation for future occupants. The additions are considered to simply represent further design development, as can be expected on any scheme of this nature. They are considered to be non-material changes and the relevant appropriate plans and supporting documents have been submitted to show the proposed changes and the impacts on ecology, transport, the natural environment, drainage and environmental protection (as per the consultation responses above) are all considered to be satisfactory.

In practice, the wording of the condition will be altered as follows (elements omitted marked by a ~~strike through~~; additions in **bold**):

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

22-024-PL-08 - Typical Paladin Fence Details
As received 28/12/2022

22-024-PL-02 Rev B – Site Layout Plan – As Existing (Topographical Survey Based)
Geo-environmental Assessment Bennet Court, Bennet Road Reading by Delta Simons Ref 22-0819.03/87565.544807 Issue 03 dated 21/12/2022
As received 11/01/2023

22-024-PL-11 – Street Scene – As Existing & As Proposed
22-024-PL-12 – Existing Floor Plans (to be demolished)
22-024-PL-13 – Existing Elevations (to be demolished)
22-024-PL-14 – Typical Double Leaf Gate Details
22-024-PL-15 – Typical Barrier Details
1870-ESC-00-ZZ-DR-E-2100 Rev P3 – External Lighting Layout
As received 27/01/2023

Email from Barton Willmore now Stantec 'RE: Bennet Court, Reading', dated and received 28/06/2023

~~22-024-PL-03 Rev J – Site Layout Plan – As Proposed (OS Based)~~
~~22-024-PL-04 Rev D – Floor Plans & Roof Plan – As Proposed~~
~~22-024-PL-05 Rev F – Elevations & Sections – As Proposed~~
~~22-024-PL-06 Rev C – Site Sections~~

As received 28/07/2023

22-024-PL-04 Rev F – Floor Plan & Roof Plan – As Proposed

22-024-PL-05 Rev J – Elevations & Sections – As Proposed

22-024-PL-06 Rev D – Site Sections

As all received on 06/08/2024

22-024-PL-03 Rev P – Site Layout Plan – As Proposed (OS Based)

As received 30/08/2024

22-024-PL-18 – Single Sub Station Floor Plans & Elevations

As received 04/09/2024

Bennet Court (11224) Biodiversity Metric 3.1 – Calculation Tool Metric Version G, dated 25/07/24

As received 14/08/2024

1870-ESC-00-ZZ-DR-Z-1002 Rev T7 - Proposed Incoming Utility Services Layout

8085.PP.4.0 Rev E – Bennett Court, Reading Planting Plan

100 Rev T8 – Drainage Layout

Bennet Court Reading Drainage Strategy, Ref 2022-124 Rev 5

As all received on 20/09/2024

Arboricultural Method Statement by Aspect Arboriculture Ref 11491_AMS.001 Rev F dated October 2024, as received 03/10/2024

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.

b) Alter the wording of condition 7 (outside storage)

As referenced at section 2.1 above, one of the plans proposed to be updated in respect of condition 2 (see section a above) is already referenced in condition 7. To ensure consistency, it is therefore sought for the wording of condition 7 to be updated too. It must be noted that the proposed changes themselves do not seek to alter the outside storage intentions, meaning there is no consequential impact on the condition except to update the reference to the latest proposed plans.

In practice, the wording of the condition will be altered as follows (elements omitted marked by a ~~strike through~~; additions in **bold**):

7. No further goods, materials, products, machinery or equipment, beyond the external waste storage area shown on approved Site Plan Layout – as proposed (OS based) 22-024-PL-03 Rev J, ~~as received 28/07/2023~~, **P, as received 30/08/2024**, shall be permanently stored outside of the building hereby approved.

Reason: In the interests of protecting the appearance, safety and function of the site and surrounding area from potential harm caused by the unmanaged and unrestricted use of external areas for storage purposes, in accordance with Policies CC7, CC8 and TR3 of the Reading Borough Local Plan 2019.

c) Alter the wording of condition 13 (parking)

As referenced at section 2.1 above, one of the plans proposed to be updated in respect of condition 2 (see section a above) is already referenced in condition 13. To ensure consistency, it is therefore sought for the wording of condition 13 to be updated too. It must be noted that the

proposed changes themselves do not seek to alter the parking intentions, as confirmed by the applicant during the course of the application, meaning there is no consequential impact on the condition except to update the reference to the latest proposed plans.

13. The building hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plan hereby approved - 22-024-PL-03 Rev-J P- Site Layout Plan – As Proposed (OS Based) as received ~~28/07/2023~~ **30/08/2024**. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users, in accordance with Policies TR3 and TR5 of the Reading Borough Local Plan 2019.

Other matters

In order to confirm the acceptability of the proposed transformer, a series of other considerations have been made, such as the noise impacts, drainage impacts, impacts on trees and landscaping, the impact on the overall BNG credentials of the original permission, as well as the visual impact. In all regards, following the submission of more information during the application in a number of instances, the proposed transformer is considered to be appropriate. With specific reference to tree and landscape matters, an informative is recommended to be included in the context of the now proposed AMS and the interplay with the landscaping condition having already been submitted and approved previously:

You are strongly encouraged to return and seek to re-discharge the relevant landscaping conditions under 240150 for completeness and clarity purposes, given that the details now shown as part of the information submitted to satisfy this application has updated the landscaping details. It is suggested that, at the same time as you make your next scheduled approval of details application to discharge separate remaining conditions, you submit all previously approved relevant documentation alongside that agreed through this application, to reflect the current position. In addition, the Council's Natural Environment Officer specifically remind the applicant of the need to comply with the Arboricultural Method Statement (as part of the condition). Hence, there is a prudence to keep written and photographic records to demonstrate compliance at the end of the build.

With this informative included, it is anticipated that this will assist the applicant in future submissions to the Council.

Overall comments

In overall terms, officers are content that the proposed changes are acceptable, in themselves and collectively as part of the original application. In light of this being the second s96a application associated with the original application, the cumulative impacts need to be taken into account too. In summary, it is not considered that this application and previous NMA (Ref 240021/NMA – see section 6) and this proposal, when considered together, amount to tip the balance what are considered to be non-material changes in the context of the original permission.

The proposed changes, as per both the previous NMA and this proposal, will practically assist the development being implemented in full, with these changes relating to relatively minor components in the context of the scheme as a whole. The changes have largely been a result of design development, which can and often do arise as part of major projects of this nature.

Officers also consider that these changes can be made through the non-material amendment procedure. More specifically, it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities,

landscaping proposals, transport, noise, drainage, highway safety, sustainability or ecological intentions or any other consideration, set within the context of the original permission. This is primarily owing to the context of the overall original scheme and the nature of the surrounding environment, with the proposed changes being of a relatively minor scale and nature in this specific context.

All changes proposed as part of this application are therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure.

An informative is recommended which states that this agreed NMA relates only to the changes highlighted. It will also be acknowledged that the agreed NMA shall only be read in the context of the substantive full permission, and is bound by all the conditions and obligations attached to the substantive 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 original planning permission.

Recommendation

Grant Non-material amendments

12. Conditions:

REPLACEMENT CONDITION 2

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

22-024-PL-08 - Typical Paladin Fence Details
As received 28/12/2022

22-024-PL-02 Rev B – Site Layout Plan – As Existing (Topographical Survey Based)
Geo-environmental Assessment Bennet Court, Bennet Road Reading by Delta Simons Ref 22-0819.03/87565.544807 Issue 03 dated 21/12/2022
As received 11/01/2023

22-024-PL-11 – Street Scene – As Existing & As Proposed
22-024-PL-12 – Existing Floor Plans (to be demolished)
22-024-PL-13 – Existing Elevations (to be demolished)
22-024-PL-14 – Typical Double Leaf Gate Details
22-024-PL-15 – Typical Barrier Details
1870-ESC-00-ZZ-DR-E-2100 Rev P3 – External Lighting Layout
As received 27/01/2023

Email from Barton Willmore now Stantec 'RE: Bennet Court, Reading', dated and received 28/06/2023

22-024-PL-04 Rev F – Floor Plan & Roof Plan – As Proposed
22-024-PL-05 Rev J – Elevations & Sections – As Proposed
22-024-PL-06 Rev D – Site Sections
As all received on 06/08/2024

22-024-PL-03 Rev P – Site Layout Plan – As Proposed (OS Based)

As received 30/08/2024

22-024-PL-18 – Single Sub Station Floor Plans & Elevations

As received 04/09/2024

Bennet Court (11224) Biodiversity Metric 3.1 – Calculation Tool Metric Version G, dated 25/07/24

As received 14/08/2024

1870-ESC-00-ZZ-DR-Z-1002 Rev T7 - Proposed Incoming Utility Services Layout

8085.PP.4.0 Rev E – Bennett Court, Reading Planting Plan

100 Rev T8 – Drainage Layout

Bennet Court Reading Drainage Strategy, Ref 2022-124 Rev 5

As all received on 20/09/2024

Arboricultural Method Statement by Aspect Arboriculture Ref 11491_AMS.001 Rev F dated October 2024, as received 03/10/2024

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.

REPLACEMENT CONDITION 7

No further goods, materials, products, machinery or equipment, beyond the external waste storage area shown on approved Site Plan Layout – as proposed (OS based) 22-024-PL-03 Rev **P**, **as received 30/08/2024**, shall be permanently stored outside of the building hereby approved.

Reason: In the interests of protecting the appearance, safety and function of the site and surrounding area from potential harm caused by the unmanaged and unrestricted use of external areas for storage purposes, in accordance with Policies CC7, CC8 and TR3 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 13

The building hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plan hereby approved - 22-024-PL-03 Rev **P** Site Layout Plan – As Proposed (OS Based) as received **30/08/2024**. The spaces shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users, in accordance with Policies TR3 and TR5 of the Reading Borough Local Plan 2019.

Informatives:

1. This permission relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 05/12/2023 under reference number 221936, 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, such as 240021/NMA, as agreed on 14/02/2024) 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 agreed extended timeframes.
4. You are strongly encouraged to return and seek to re-discharge the relevant landscaping conditions under 240150 for completeness and clarity purposes, given that the details now shown as part of the information submitted to satisfy this application has updated the landscaping details. It is suggested that, at the same time as you make your next scheduled approval of details application to discharge separate remaining conditions, you submit all previously approved relevant documentation alongside that agreed through this application, to reflect the current position. In addition, the Council's Natural Environment Officer specifically remind the applicant of the need to comply with the Arboricultural Method Statement (as part of the condition). Hence, there is a prudence to keep written and photographic records to demonstrate compliance at the end of the build.