



RIDGE

**NON-MATERIAL AMENDMENT
APPLICATION
LAND BETWEEN WELDALE
STREET AT CHATHAM STREET,
READING
ROPEMAKER PROPERTIES**
January 2024

PLANNING STATEMENT
NON-MATERIAL AMENDMENT APPLICATION
LAND BETWEEN WELDALE STREET AND CHATHAM STREET, READING

January 2024

Prepared for
Ropemaker Properties

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Version Control

Project	5016499
Issue Date	December 2023
Originator	EW
Checked	EW
Version	1.0

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1. INTRODUCTION

- 1.1 This Statement has been prepared by Ridge and Partners LLP on behalf of Ropemaker Properties Ltd to support a non-material amendment application to planning permission 170326 which was granted in March 2018. The proposal seeks to amend condition 2 (the plans list of the above application).
- 1.2 The overall permission was implemented in March 2020 with Blocks A1 & A2 of the overall scheme now complete. The development of Blocks B1 & B2 has now commenced, and this application is looking to make some minor amendments to the layout of the commercial unit and amenity space.
- 1.3 This application is submitted with the following supporting information:
- Relevant application forms
 - Updated plans and drawings prepared by AWW architects.
 - Updated Plans List

2. PLANNING HISTORY

2.1. The key planning history of relevance to the proposals is summarised in chronological order below:

- **170326/FUL** - demolition of all existing buildings (including 3 retail units) and structures, and erection of new buildings ranging between lower ground & 4 storeys to lower ground & 11 storeys in height, providing 427 (233x1, 182x2 & 12x3-bed) residential units (Class C3) and 1 flexible ground floor retail shop (Class A1) or restaurant and cafe (Class A3) unit, together with new public realm, landscaping, accesses, parking and associated works (amended description). Approved following completion of s106 legal agreement 15 March 2018.
- **190793** - non-material amendments to permission 170326 (granted on 15/03/2018) to amend the wording of conditions 15, 34 and 43 to allow details to be submitted on a phase-by-phase basis and amend the wording of condition 32 to allow archaeological works to take place via an agreed timetable rather than pre-commencement (amended description). Approved 27 June 2019.
- **191974** - non-material amendments to planning permission 170326, as granted 15/03/2018, to amend the description of development and, by consequence, alter the wording of condition 2 (approved plans) to incorporate a reduction from 427 to 422 residential units, provision of internal amenity space for Block A residents, various associated external alterations to Block A windows, doors, entrances, landscaping, at roof level and associated works (amended description). Approved 12 March 2020.
- **201602** - non-material amendments to planning permission 170326, as granted 15/03/2018 to alter the wording of condition 2 (approved plans) to enable photovoltaic panels and an associated handrail at roof level of Block A2 (fronting Chatham Street) and air vent to east elevation of Block A1 at fifth floor level (amended description). Approved 8th December 2020.
- **211462** – variation of condition 40, altering the trigger point for submission of public art details. Approved 23 September 2021.
- **211701** – non-material amendments to permission 170326 (granted on 15/03/2018) to alter the wording of conditions 2 (approved plans) and 43 (on-site play-space facilities) to provide communal seating/outdoor furniture instead of the approved play-space facilities within the Block A courtyard. Approved 16 December 2021.
- **211931** - non-material amendments to permission 170326 (granted on 15/03/2018) to alter the wording of conditions 2 (approved plans) to provide 13 electric vehicle charging points adjacent to the western site boundary, alterations to flat entrances at lower ground floor level on western elevation of Block A1, amendments to boundary wall on the north elevation of Block A1 fronting Weldale Street, relocation of cycle stands adjacent to the east elevation entrance of Block A2, relocation of roof level flue at Block A1 fronting Chatham Street, amendment to alignment of

retaining wall to the south west of Block A1, proposed handrails to ramped section of path to the south of Block A2 and amendment to the planting bed in the courtyard of the A Blocks. Approved 16 February 2022.

- **221160-** Non-material amendments to planning permission 170326, as granted 15/03/2018, to amend the description of development and, by consequence, alter the wording of conditions 2 (approved plans), 38 (energy measures) and 49 (unit mix) (as added by 191974) to incorporate a reduction from 427 to 418 residential units (reduction to 422 already agreed through 191974) to provide an internal amenity space (Class C3) for Block B residents, various external alterations to Block B windows, doors and entrances, introduction of roof-level solar PV panels and blue/green roof, hot water air source heat pumps in place of CHP plant, provision of attenuation tank, sprinkler tank, pump room and additional electric vehicle charging points at lower ground floor level and associated works. Approved 21st December 2022.

3. THE PROPOSAL

- 3.1. The application proposes some non-material amendments to planning permission 170326 granted on 15/03/2018, and as previously amended by the Section 96A Applications listed above.
- 3.2. The site is located between Weldale Street (to the north), Caversham Road (to the east) and Chatham Street (to the south).
- 3.3. As is set out below, the proposals seek to make minor amendments to the internal layout of the ground floor, lower ground floor and associated external alterations. These have been set out in more detail below.

Amendments to Amenity and Commercial Space

- 3.4. Firstly, it must be noted that there are no changes proposed to the number of residential units in Block B1 and B2, and the commercial space has reduced slightly in size from 182sqm to 153sqm. This reduction is considered negligible when the scheme is considered as a whole.
- 3.5. In essence the proposal seems to relocate the commercial space from the eastern edge of Block B2 and extend it along the southern boundary. This will provide the commercial space with additional street frontage thereby increasing the active frontage along Chatham Street. It is then proposed to relocate the amenity space so that it looks towards the open space within Block B.
- 3.6. The reception area will also be re-configured to create a lounge area within it.

Amendments to external elevations

- 3.7. This application seeks very minor changes are proposed to the external elevations as a result of the proposed amendments to the internal layout. This includes the addition of bi-fold doors on the northern elevation of Block B2 and minor alterations to the windows and doors.
- 3.8. In addition, the substation has been amended for the following reasons: The double substation currently approved allowed for two transformers within one enclosure. However, now the contractor is in contract with UKPS they require their transformer to be kept separate to the other one which will be owned by SSE. Due to this and other contractual requirements the substation is having to be physically divided in to two separate enclosures. Access doors and ventilation requirements have also been confirmed by UKPS now that they are in contract with BECT and this has increased the door sizes as well as the introduction of the ventilation grills.
- 3.9. Overall, the proposals do not propose any changes to the footprint, scale, bulk, mass, appearance and materials of the buildings comprising the overall scheme.
- 3.10. As set out in Section 96A of the Town and Country Planning Act, a non-material amendment gives the power to add conditions or remove or alter conditions. In light of the amendments proposed as

part of this Section 96A application, a number of the previously approved plans referred to in Condition 2 need to be substituted. The approved plans to be substituted are detailed in the table which accompanies this Statement, along with the proposed amended drawings to be referenced as detailed in the final column.

4. ASSESSMENT OF THE PROPOSALS

4.1. Section 96A of the Town and Country Planning Act 1990 provides:

“(1) A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

(2) 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 or permission in principle as originally granted.

(3) The power conferred by subsection (1) includes power to make a change to a planning permission

—

(a) to impose new conditions;

(b) to remove or alter existing conditions.

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

(5) An application under subsection (4) to a local planning authority in England must be made in the form and manner prescribed by development order.”

4.2. The Town and Country Planning Act 1990 therefore provides a means by which a local planning authority can make any change to a “planning permission”. The Court of Appeal in the Fulford case has ruled that “planning permission” encompasses the whole of a planning permission. Therefore, the statute allows for changes to the actual conditions to which a permission was made subject, and also to future conditions that may emerge, for example, on a reserved matters application.

4.3. The power is, therefore, very wide and the section could be used to change any planning permission for any proposal, however large, small, complicated, or simple, and so long as the change is to the planning permission.

4.4. The Planning Practice Guidance (PPG) also gives guidance as to the matters which can be taken into consideration by the local planning authority when considering whether a change is material or non-material, as set out below. This is found within the section headed “*Flexible options for planning permission*”. The PPG provides:

Is there a definition of a non-material amendment

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme –an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Paragraph: 002 Reference ID: 17a-002-20140306

What does the local planning authority have to take into account when making its decision?

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

Paragraph: 008 Reference ID: 17a-008-20140306

- 4.5. As such, the determination of this application should be on the actual effect of the proposed changes in practice and whether the overall scheme can still be constructed pursuant to the original planning permission, or whether it is materially changed by the proposed amendment. The proposals should not be assessed on the basis of their planning merits and the consideration of planning policies does not therefore apply. Overall, as set out below, it is considered that the applications proposals, coupled with earlier changes made, would not materially alter the approved development proposals.
- 4.6. In this regard, the proposals simply seek a minor re-configuration of the internal layout with no changes to the number of residential units. This has resulted in some minor amendments to windows and doors on the ground floor.
- 4.7. Overall, it is considered that when taking account of the PPG which requires the change to be considered against the "overall scheme", the proposed changes set out as part of this NMA application, would result in a change that is not material to the overall scheme.

5. CONCLUSION

- 5.1 This Statement has been prepared by Ridge and Partners LLP on behalf of Ropemaker Properties Ltd to support a non-material amendment application to amend planning permission 170326 which was granted in March 2018. It seeks to amend the list of plans and drawings contained at Condition 2 of that permission.
- 5.2 In this regard, the proposals simply seek a minor re-configuration of the internal layout with no changes to the number of residential units. This has resulted in some minor amendments to windows and doors on the ground floor, along with the sub-station at the lower-ground floor.
- 5.3 Therefore, having regard to the Planning Practice Guidance, which requires that what is “not material” will be dependent on the context of the “overall scheme” and the guidance on the use of section 96A in Fulford, it is clear that in this case the proposals are not material and, therefore, the local planning authority can properly consent to this S96A application, and grant the changes proposed.