

DELEGATED APPLICATION REPORT

Ward: Norcot

App Ref: PL/24/1631 Non-Material Amendment

Address: 63 ROWE COURT, READING, RG30 2HZ

Proposal: Non-Material Amendment to Application 221693 –Rewording of condition 20, for the installation of an amended balcony design on the rear elevation of the building to minimise overlooking

Applicant: Steven C/O Agent

Received date: 06/12/2024

Extended Target Decision date: 06/06/2025

Case Officer: Nathalie Weekes

1. SITE DESCRIPTION

63-86 Rowe Court formally comprised of a privately owned residential block comprising of 3 storeys (with accommodation in the roof) containing 24 studio/ 1 bed apartments (including 2 duplex apartments). On 15th December 2021, the block was largely destroyed in a fire started by arson which led to two fatalities. In early 2022, the site was flattened as the structure was deemed unsafe to remain. The demolition of all fire damaged structures on site has been completed and works have commenced on site for the re-instatement of 63-86 Rowe Court. The re-development comprises a four-storey building, comprising of 24 studios/ one-bed, one person homes, associated car parking, cycle parking, refuse, amenity space and landscaping as permitted under application 221693.

2. PROPOSAL AND SUPPORTING INFORMATION

A non-Material Amendment to Application 221693 is sought for the following changes:

- Removal of condition 20, requiring the installation of balcony screening to the balconies on the rear elevation of the building. This change has been necessitated due to changes in building control regulations. The application form states the applicant was, 'unable to find a viable glazed product that meets all the required project performance criteria, including the enhanced fire classification (EWS1a) and safe breakage criteria.' As a result of the removal of the balcony screening, the following changes are also proposed following communications with the agent and applicant.
- increased height of first and second floor rear balconies to units 17,18, 23 and 24, for which the 'balustrades will be raised to 1300mm AFFL compared to 1100 AFFL typically. This will only be to the front of the balconies, not the flanks. The solid metal plate will be raised up to the top handrail and will be welded to the back on the vertical railings. Both the railing and the solid metal plate will be powder coated aluminium RAL 8017 (chocolate brown) to match the window frames.'
- additional '3 x Ligustrum ovalifolium (Garden privet) of 175-200cm tall 15L + pot size 'hedge planting is proposed and 'The hedge will be allowed to grow to 3.5m tall'
- entry to garden gates in boundary fencing is proposed to open inwards towards the garden areas.

The original condition stated, 'Prior to the installation of the balconies as shown on the rear (north-west) elevation of the proposed building as shown in the approved plans in condition 2 above, details of balcony screening, to minimise overlooking onto adjacent residential properties and gardens in Osborne Road, shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall thereafter be installed before occupation of the flats to which they relate and be retained as such thereafter.

REASON: In the interests of protecting the privacy of neighbouring amenity in accordance with Policy CC8 of the Reading Borough Local Plan 2019.'

Plans Considered

The Council, in reaching its recommendation, has taken into consideration the supporting letter and application form submitted by the applicant, together with the following plans:

Plans considered

~~0792-WPA-0204_P02.Site Section—context~~

~~0792-WPA-0201_Rev P2 Elevations Sheet 02 Proposed~~

As received 6 December 2024

~~0792-WPA-1451-P06_PROPOSED PLANTING PLAN~~

~~230897 63 Rowe Court condition 17 landscaping discharge of condition~~

~~0792-WPA-Rowe Court-Planting Schedule_RevB~~

As received 10 March 2025

~~0792-WPA-01-ZZ-DR-A-0205 PROPOSED WEST ELEVATION - PLANNING BALCONY SCREEN~~

~~0792-WPA-0110_Rev P3 Ground floor plan~~

As received 20 March 2025

~~0792-WPA-Rowe Court-Planting Schedule_Rev C~~

~~0792-WPA-01-00-DR-A-1451-P07_PROPOSED PLANTING PLAN~~

As received 7 May 2025

~~0792-WPA-01-00-DR-A-1451-P08 PROPOSED PLANTING PLAN~~

As received 14 May 2025

Relevant planning history

PL/24/1630 Non-Material Amendment to Application 221693 - Introduction of gates and steps into ground floor terrace walls for fire escape purposes. Raised planter lowered to ground level. Minor changes to fenestration according to detail design development. Permitted 24/03/2025

221693 Demolition of any remaining fire damaged structure and re-instatement of 63-86 Rowe Court to provide a four-storey building, comprising of 24 studios/ one-bed, one person homes, associated car parking, cycle parking, refuse, amenity space and landscaping. Permitted 3 March 2025

There are no other formal planning applications at 63-86 Rowe Court, however the following application relates to the wider Rowe Court estate:

880354 – Residential Development of 126 dwellings and associated vehicular access – Application Permitted 13 January 1989

3. 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.

4. CONSULTATIONS

There is no statutory requirement for any neighbour consultation for this type of application. Due to the changes to the balcony screening proposed, the case officer consulted the neighbouring properties to the rear of Rowe Court occupants were consulted by letter in addition to 1, 3, 5, 7, 9, 11 Osborne Road, 34, 36, 37, 38 Drayton Road and 57, 59, 61, 63 Craig Avenue.

Three letters of objection have been received from 61 Craig Avenue and 1 Osborne Road, with concerns for the resultant impact of the removal of rear balcony screening on their garden amenity.

Communications with the agent - Following a site visit and to neighbouring properties, revised plans were submitted to increase the height of the rear balcony balustrades and to provide an additional segment of hedge to reduce the impact of the removal of balcony screening.

Norcot Ward councillors were specifically contacted about this planning application and advised that they were content for officers to deal with the application.

5. LEGAL AND PLANNING POLICY CONTEXT

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.*"

6. RELEVANT POLICIES

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

7. APPRAISAL

The changes proposed as part of this application include a redesign of the rear balconies and the rewording of condition 20 due to revised plans that propose an alternative solution to cladding.

The change to the proposed balconies will result in a relatively minor change that does not compromise the design idiom of the scheme or change the footprint of the development or have a detrimental impact on future residents or on neighbouring properties. The amendment is considered to simply represent design development as can be expected in any scheme of this nature. The change from using balcony cladding to changing the design of the first and second floor rear balconies by increasing the height of the balustrades is considered to be a non-material change and appropriate plans have been submitted to show the proposed change in full.

As a result of the removal of the balcony screening, the following changes are also proposed following communications with the agent and applicant.

- increased height of first and second floor rear balconies to units 17,18, 23 and 24, for which the 'balustrades will be raised to 1300mm AFFL compared to 1100 AFFL typically. This will only be to the front of the balconies, not the flanks. The solid metal plate will be raised up to the top handrail and will be welded to the back on the vertical railings. Both the railing and the solid metal plate will be powder coated aluminium RAL 8017 (chocolate brown) to match the window frames.'
- additional '3 x Ligustrum ovalifolium (Garden privet) of 175-200cm tall 15L + pot size 'hedge planting is proposed and 'The hedge will be allowed to grow to 3.5m tall'.
- garden gates are proposed to open inwards into the gardens.

In practice, the wording of the condition will be altered:

The balcony balustrades on the rear (north-west) elevation of the proposed building shall be constructed ONLY in accordance with the following approved plans:

0792-WPA-01-ZZ-DR-A-0205 PROPOSED WEST ELEVATION - PLANNING BALCONY SCREEN
0792-WPA-0110_Rev P3 Ground floor plan
As received 20 March 2025

0792-WPA-Rowe Court-Planting Schedule_Rev C
As received 7 May 2025

0792-WPA-01-00-DR-A-1451-P08 PROPOSED PLANTING PLAN

As received 14 May 2025

The approved balconies shall thereafter be installed before occupation of the flats to which they relate and be retained as such thereafter to minimise overlooking onto adjacent residential properties and gardens in Osborne Road.

REASON: In the interests of protecting the privacy of neighbouring amenity in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Overall comments

In overall terms, officers are content that the proposed changes are acceptable, in themselves and collectively as part of the original application. This is the second s96a application associated with the original application, however there are no cumulative impacts to consider in this instance.

The first s96a application PL/24/1630 permitted on 24/03/2025 proposed the introduction of gates and steps into ground floor terrace walls for fire escape purposes and raised planter were lowered to ground level. Minor changes were undertaken to fenestration detailing.

The proposed changes to the balconies for application PL 24/1631 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.

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, 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 to be 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.

8. Conclusion

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

REPLACEMENT CONDITION 20

The balcony balustrades on the rear (north-west) elevation of the proposed building shall be constructed ONLY in accordance with the following approved plans:

0792-WPA-01-ZZ-DR-A-0205 PROPOSED WEST ELEVATION - PLANNING BALCONY SCREEN
0792-WPA-0110_Rev P3 Ground floor plan

As received 20 March 2025

0792-WPA-Rowe Court-Planting Schedule_Rev C
As received 7 May 2025

0792-WPA-01-00-DR-A-1451-P08 PROPOSED PLANTING PLAN
As received 14 May 2025

The approved balconies shall thereafter be installed before occupation of the flats to which they relate and be retained as such thereafter to minimise overlooking onto adjacent residential properties and gardens in Osborne Road.

REASON: In the interests of protecting the privacy of neighbouring amenity in accordance with Policy CC8 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 3/03/2023 under reference number 221693, 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.