

DELEGATED APPLICATION REPORT

Ward: Redlands

App Ref: PL/24/1574 Removal/variation of conditions

Address: South Block, Royal Berkshire Hospital, London Road, Reading

Proposal: Construction of a new clinical block designed for the Urology Service without complying with conditions 2, 5 and 6 of planning permission PL/23/0321 (Retrospective)

Applicant: Ms Maurisa O'Connor

Received date: 26/11/2024

Target Decision date: 08/08/2025 (EOT)

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The Royal Berkshire Hospital (RBH) is located on London Road, Redlands Road and Craven Road. The relevant part of the site is to the south of the hospital site, facing Addington Road. The surrounding area comprises buildings facilitating the hospital and residential properties. The Museum of English Rural Life sits on the western side of Redlands Road and is a listed building within the Kendrick Road Conservation Area. The application site itself does not sit within the conservation area and does not comprise any listed buildings.



Aerial view of the application site, adjacent the RBH staff car park accessed from Addington Road to the south. Image taken from Google Maps on 08/10/2024.

2. PROPOSAL AND SUPPORTING INFORMATION

The application is seeking to vary conditions 2,4,5,6 and 9 (under S73 application) of planning permission PL/23/0321, which granted permission for the demolition and erection of a replacement clinical building, with associated landscaping. The proposal is part-retrospective as the development has already commenced at the time of this application, but not substantially completed. More specifically, the proposed changes comprise:

- Enlargement of the proposed building
- Revised materials schedule
- Amended landscaping layout and scheme to include SUDs
- Revised location of cycle store



Indicative CGI of design approved under original planning permission.



Indicative CGI of proposed revised design.

2.1. Information Submitted:

7073-GBS-XX-XX-DR-A-001-P03 RBH ICS ER Location Plan

Arboricultural Report, Sylva Consultancy, dated June 2024

Royal Berkshire NHS Trust Design and Access Statement 2024 RevA

RBHU-AUK-XX-01-PL-A-200111-P04-Proposed GA First Floor - Roof Plan

7073-GBS-XX-XX-DR-A-102.P01 RBH ICS ER Existing Site Plan

7073-GBS-XX-XX-DR-A-101.P01 RBH ICS ER Existing SB Elevations

RBHU-AUK-XX-00-PL-A-200110 P10 Proposed GA Departmental Plan

RBHU-AUK-XX-02-PL-A-200112-P03-Proposed Level 02 Roof Plan

BREEAM Change in Ecological Value Calculator Royal Berkshire NHS Foundation Trust RG1 5AN 081024

Preliminary Ecological Appraisal / Preliminary Roost Assessment Royal Berkshire NHS Foundation Trust RG1 5AN V1 07112023, Arbtech

Flood Risk Assessment Royal Berkshire Hospital P02

E24-009-MTX-XX-00-DR-A-20-3001 - Elevations_P7

7073 ICS Tree Report Oct 2024

Received by the LPA on 25 November 2024

BREEAM Land Use and Ecology GN40 Royal Berkshire NHS Foundation Trust 081024

Received 26 November 2024

Proposed Drainage Strategy Rev P04

Received 16 December 2024

P5281-R01a-DMT_RBH_Urology Building - Acoustics Design Report [Issue]

Received 3 February 2025

P24-0002 - Construction Methodology Rev February 2025
Received 13 February 2025

P24-0002-MTX-XX-XX-DR-A-700-001-Proposed Site Plan_P12
P24-0002-MTX-XX-XX-DR-A-700-005-TRA 2 – Cycle Facilities Information_P2
P24-0002-MTX-XX-XX-DR-A-700-006-BREEAM WST 03 Bin Store_P2
Received 11 March 2025

BREEAM-0120-6135, Design Stage, dated 10/1/2024
Received 24 April 2025

P24-0002-MTX-XX-XX-DR-A-700-100-Proposed External Works Plan_P16
P24-0002-MTX-XX-XX-DR-A-700-101-Tree Pit Detail_P2
Received 30 June 2025

3. RELEVANT PLANNING HISTORY

There are various applications at RBH, of which the following are relevant to the site:

PL/23/0321 – Construction of a new clinical block designed for the Urology Service – Application permitted

PL/24/0992 – Application to determine if prior approval is required for a proposed: Demolition of 2 storey vacant modular building. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 11, Class B – Prior approval required and given on 19/08/2024

PL/24/0829 - Construction of a new clinical block designed for the Urology Service – Application withdrawn.

4. CONSULTATIONS

The following were consulted:

- RBC Environmental Protection – No comments to make.
- RBC Planning Natural Environment – Amended landscaping is acceptable.
- RBC Transport Development Control – Drainage is acceptable subject to condition.

A site notice was displayed on site. No letters of representation were received.

5. LEGAL AND PLANNING POLICY CONTEXT

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible. This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered to include, "any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan. The key issues for consideration comprise the principle of the development whilst having regard to the impact upon the character and appearance of the area, the effects on traffic generation and highway safety, amenity and the natural environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. The following local and national planning policy and guidance is relevant to this application:

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (Adopted November 2019)

CC2 Sustainable Design and Construction
CC7 Design and the Public Realm
CC8 Safeguarding Amenity
EN1 Protection and enhancement of the historic environment
EN14 Trees, Hedges and Woodland
TR3 Traffic, Access and Highway-Related Matters
ER3 Royal Berkshire Hospital

SPD

Revised Parking Standards and Design 2011

Local Plan Update

The current version of the Local Plan (adopted in November 2019) turned five years old on Tuesday 5th November 2024. The Local Plan was reviewed in March 2023 and around half of the policies in the plan are considered still up to date. However, the rest need to be considered for updating to reflect changing circumstances and national policy. A consultation version of the draft updated version of the Local Plan was published on 6th November 2024.

Although there is a five-year period for carrying out a review of a plan after it is adopted, nothing in the NPPF or elsewhere says that policies automatically become "out of date" when they are five years old. It is a matter of planning judgement rather than legal fact whether a plan or policies within it are out-of-date. This will depend on whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through changes in national policy, for example.

Officer advice in respect of the Local Plan policies pertinent to this application listed above is that they remain in accordance with national policy and that the objectives of those policies remains very similar in the draft updated Local Plan. Therefore, they can continue to be afforded weight in the appraisal below and are not considered to be 'out of date'.

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.

6. APPRAISAL

6.1. Character and design

Policy CC7 requires all development to be of high design quality that maintains and enhances the character and appearance of the area in which it is located.

The revised scheme includes an increased footprint of the building by approx. 174m², and revised materials. The proposed changes in the design are considered acceptable in the context of the approved drawings. The increased scale of the building does not encroach onto the courtyard north of the site and does not appear visually dominant or overbearing within the wider context of the hospital campus. The material finish appears high quality and no objections are raised in this regard.

Overall, the proposed revisions to the design of the site are considered acceptable in respect of policy CC7 of the Local Plan.

6.2. Residential amenity

Policy CC8 requires all development to not cause detrimental impact on the living environment of existing residential properties. Policy EN17 is also relevant as it sets the noise limits of any new and proposed mechanical equipment.

The revised design is not considered to create any risks to amenity of nearby residential properties due to its location within the wider RBH site. The increased footprint is not considered to add to or create any new risks. The applicant has submitted a noise assessment for a proposed building services plant which establishes the background noise and environmental noise criteria. However, as the plant selection and noise emissions data is not included in the report, the existing condition 9 remains unchanged.

6.3. Parking and drainage

Policy TR5 states "Development should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport."

The increased footprint includes an incursion into the staff car park. The submitted Design and Access Statement states that the proposal would result in the loss of 26 spaces, which would be accommodated for offsite at the new Redlands Road staff car park (planning application ref. PL/21/1973). Therefore, the loss is not considered harmful in this instance. The revised drainage strategy has been reviewed by the Transport Development Control team and is considered acceptable subject to a condition to secure compliance with the submitted drainage plan.

The proposed cycle and bin stores have been relocated to the west of the building to prevent their siting within the RPAs of existing trees on the east side. This is considered preferable and acceptable.

6.4. Landscaping

Policy EN12 requires a biodiversity net gain wherever possible on all development sites, and no net loss as far as practicable. Policy EN14 requires protection of existing trees from damage or removal where they are of importance and aims to improve the borough's vegetation cover.

Exemptions from mandatory biodiversity net gain include: *“section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024”* NPPG Paragraph: 003 Reference ID: 74-003-20240214

The proposal is, therefore, exempt from providing mandatory biodiversity net gain but is still required under policy EN12 to demonstrate no net loss. In the context of the approved plans, the increased footprint does not encroach into any green spaces, such as the courtyard to the rear of the proposed building. Regardless, the proposed landscaping has been revised to improve on the approved layout. This is considered acceptable, and the submitted maintenance and planting details are considered sufficient.

7. CONCLUSION

The proposed variations to the approved scheme are considered acceptable in the context of the national and locally adopted policies.

8. RECOMMENDATION

GRANT VARIATION

Conditions:

1. Time limit (VAR)
2. [VARIED] Approved plans
3. Materials as specified
4. [VARIED] Construction Method Statement as specified
5. [VARIED] Arboricultural statement and TPP as specified
6. [VARIED] Soft landscaping – as per submitted details
7. [DELETED] BREEAM Design Stage
8. BREEAM As Built Stage
9. [VARIED] Noise level of mechanical plant restricted
10. Hours of construction
11. No bonfires
12. [ADDED] SUDs as specified