

DELEGATED APPLICATION REPORT

Address: 220 Elgar Road South, Reading, RG2 0BW

Application No: PL/25/1349

Proposal: Non-material amendments to permission 220258 (allowed on appeal [APP/E0345/W/23/3315618] on 02/04/2024 for 'a residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works-revised scheme following the refusal of application 210526') to alter the wording of condition 5 (contaminated land), amending the trigger point for the approval of details from pre-demolition to pre-construction.

Applicant: ABRI

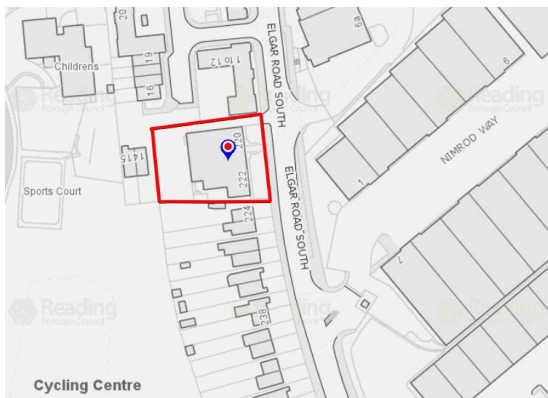
Date received (valid from): 24/09/2025

Target Decision date: 22/10/2025

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- 1.1 The application site is rectangular in shape and is located on the western side of Elgar Road South as shown on the location plan below. The site consists of a large single storey flat roof building with parking at the rear. There are residential properties to the north, south and west of the site. To the east of the site is Nimrod Way Industrial Estate. To the west is the River Kennet and Waterloo Meadows which is classified as a Local Green Space in Policy EN7 of the Reading Borough Local Plan. The Kennet and Holy Brook Meadows is allocated in Policy EN13 as a Major Landscape Feature.



- 1.2 Half of the site was previously occupied by the Driving Standards Agency (DSA), with the last day of testing taking place in March 2025. The other half was previously used as an office occupied by the Electrical Services Company who vacated in October 2019. Whilst in employment use, the site is not located within a designated Core Employment Area.

2. The Proposal

- 2.1 Non-material amendments to planning permission 220258 (allowed on appeal [APP/E0345/W/23/3315618] on 02/04/2024) are proposed. The original permission granted the redevelopment of the site for 16 dwellings. More specifically, the proposal seeks to:
- alter the wording of condition 5 (contaminated land) to amend the trigger point for the approval of details being required to be submitted and approved from pre-demolition to pre-construction.
- 2.2 The exact changes to the wording of the condition have been agreed with the agent through email correspondence during the course of the application (email from the case officer to the agent on 26/09/2025, with the agent's reply being received on 30/09/2025). The agent has specified that these changes have arisen through design development. More

specifically, the changes are considered to be required by the applicant's contaminated land consultant, to allow easier access to sampling beneath the existing building. The requirement for sampling to be carried out is constrained by the retention of the existing building, with this process being easier to physically carry out if the existing building is demolished.

2.3 It is noted that such matters have been raised in separate approval of details applications (see PL/25/0886 & PL/25/1188 in relevant history section below) relating to the contaminated land condition, with an Environment Agency response (Ref WA/2025/132523/01-L01, dated 18/09/2025) as part of on-going application PL/25/1188 stating *"In the Refined Recommendations 4.5, it is recommended that the works are undertaken post demolition. We do not object to this provided the site is protected from any increase in infiltration as a result. However, this is a matter for you to decide as Condition 5 specifically states prior to demolition"*.

2.4 In response to the following passage of the EA response *"We do not object to this provided the site is protected from any increase in infiltration as a result"*, this question was posed to the applicant, with it sought for commentary from the applicant's specialist consultant on this matter, ideally confirming if this is possible and an explanation as to how that will be ensured. On 21/10/2025, the applicant's consultant replied as follows (relevant extract below):

The demolition is aimed at making the site more accessible, so that a detailed human health and groundwater risk assessment can take place.

It is proposed to leave the existing car park to the west of the site intact.

I understand that the removal of the building will potentially increase infiltration into the ground, but this will only be temporary whilst the risk assessment works take place, and given the size of the site its unlikely to be significant, especially with the majority of sources being off site.

However, we understand your views around this, so have suggested to the client that a series of French Drains (potentially in a herringbone pattern) are installed post demolition of the building, which will collect surface water and discharge to the existing outfalls onsite, associated with the former building/car park.

2.5 Officers consider that this response and the suggested approach by Ground&Water is appropriate in the context of the wider scheme. An informative on the decision notice will specify that there will be an expectation that this will be followed in practice, in order to ensure the original matter raised by the Environment Agency is met.

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 Katesgrove Ward Councillors

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

4. Internal / External Consultations

None considered to be required, in the context of previous applications at the site.

5. Plans and Information Considered

- i. The Council, in reaching its recommendation, has taken into consideration the application form submitted by the applicant, together with the following documents submitted by the applicant:
- Site Investigation Scheme by Ground & Water Ref GWPR6540/IIMS V1.01/August 2025 Issue V1.01 dated August 2025
 - Chain of emails (19 pages) beginning 'Fw: 220 Elgar Road South, Reading (PL/25/0886)', dated 18/09/2025
As received 24/09/2025
 - Email from HGP Architects 'Re: 220 Elgar Road South, Reading (PL/25/1349)', dated and received 30/09/2025
 - Email from Ground&Water 'Re: 220 Elgar Road South, Reading (PL/25/1349): Drainage Drawing Issue', dated and received 21/10/2025

6. Relevant Planning History

210526 - Residential redevelopment comprising demolition of existing single storey building and erection of 18 dwellings together with associated works. Refused 06/12/2021 and dismissed at appeal (Ref APP/E0345/W/22/3291067) on 09/08/2022.

220258 - Residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works (re-submission of application 210526). Refused 12/12/2022. Allowed on appeal (ref APP/E0345/W/23/3315618) on 02/04/2024.

PL/24/1015 - Amendment to drawing under condition 2 of Planning Permission 220258 to correct a drafting error; to change Drawing no: 2200 Rev 8 - Proposed Street Elevation to Rev 7. Non-material amendment agreed 20/09/2024.

PL/25/0886 - Discharge of condition 4 (Demolition and Construction Method Statement) of planning permission PL/22/0258, as allowed on appeal (Ref: APP/E0345/W/23/3315618) on 02/04/2024 (amended description). Condition discharged 08/08/2025. Planning Officer note – this application originally sought to discharge condition 5 too, but this condition was withdrawn from the application prior to a decision being made.

PL/25/1188 - Discharge of condition 5 (Contamination Assessment) of planning permission PL/22/0258, as allowed on appeal (Ref: APP/E0345/W/23/3315618) on 02/04/2024. Current application under consideration by the local planning authority.

PL/25/1189 - Non-material amendments to permission 220258 (allowed on appeal [APP/E0345/W/23/3315618] on 02/04/2024 for 'a residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works-revised scheme following the refusal of application 210526') to alter the wording of conditions 2 (approved plans) and 9 (amenity space) to reflect changes to the approved plans, including: omission of an oriel window on the north elevation at first and second floor level and replacement with north facing windows; omission of a window on the west elevation at first floor level and east elevation at second floor mezzanine level, both with replacement brickwork (amended description). Current application under consideration by the local planning authority.

PL/25/1435 - Discharge of conditions 3 (hard and soft landscaping), 6 (sustainable drainage strategy and associated surface water drainage details) & 7 (materials) of planning permission

PL/22/0258, as allowed on appeal (Ref: APP/E0345/W/23/3315618) on 02/04/2024. Current application under consideration.

PL/25/1436 - Discharge of conditions 8 (secured by design accreditation), 11 (electric vehicle charging scheme), 13 (cycle parking), 14 (refuse collection, servicing and deliveries and pest and vermin control measures), 15 (biodiversity enhancements scheme) , 16 (external lighting) and 17 ('As Built' Standard Assessment Procedure assessment) of planning permission PL/22/0258, as allowed on appeal (Ref: APP/E0345/W/23/3315618) on 02/04/2024. Current application under consideration.

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

The proposed change has arisen as there are advised to be practical constraints in undertaking the sampling works required to satisfy the contaminated land condition with the building still in place, with this process being far simpler should the building already be demolished. This recommendation, by the applicant's specialist consultant, has raised no concerns in correspondence with the Environment Agency, on the proviso the site is protected from any increase in infiltration as a result, as part of ongoing application PL/25/1188 at the site. Correspondence during the course of the application with the specialist consultant for the applicant has indicated an approach which will satisfy the Environment Agency comment, as explained at paragraphs 2.3 – 2.5 above, with officers satisfied with this. An informative will be included on the decision notice to confirm matters.

In practical terms, the wording of the condition will change from referencing two instances of "including demolition and preparatory works" to "excluding" instead, to allow demolition works to occur prior to these details being required to be submitted and approved. More explicitly, the current wording of the condition is:

5. No development shall commence on site, including demolition and any preparatory works, until an assessment of the nature and extent of contamination has been submitted to and been approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monument.
- If found necessary by this assessment to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation, prior to commencement of development (including demolition and any preparatory works), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

<https://www.gov.uk/planning-inspectorate>

8

Appeal Decision APP/E0345/W/23/3315618

The approved remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

The proposed wording, incorporating the proposed changes (highlighted in yellow), is:

No development shall commence on site, **excluding** demolition and any preparatory works, until an assessment of the nature and extent of contamination has been submitted to and been approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monument.

If found necessary by this assessment to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation, prior to commencement of development (**excluding** demolition and any preparatory works), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

The approved remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

Reason: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading Borough Local Plan 2019.

The applicant has agreed to amending the wording to include the two references to “excluding”, via an email reply on 30/09/2025. No reasons for conditions are referenced on decisions issued by the Inspectorate, but are by LPAs. For completeness, the reason for the condition is added to the replacement condition wording.

Whilst it would naturally be preferred for all contamination details to be established prior to any ground works taking place (as per the current wording), the rationale put forward by the applicant in this specific instance is considered to be acceptable (given the potential water related contamination – as outlined in discussions with the EA, who have confirmed that they have no objection to the condition being altered), with the level of risk not considered to significantly rise as a result of the change in the trigger point of the condition. The changes do not dilute the meaning or requirements of the condition, but instead alter the time point details are required to be submitted/approved, with the change helping facilitate that process.

In overall terms, officers are therefore content that the proposed change is acceptable, both in itself and collectively as part of the original allowed on appeal planning permission. In light of this being the second separate s96a application associated with the original permission, the cumulative impacts need to be taken into account too. In summary, it is not considered that this application and previous NMA (Ref PL/24/1015 – see section 6), when considered together, amount to tipping the balance of what is considered to go beyond what are 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 extremely minor components in the context of the scheme as a whole. The changes are 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 amendment, either individually or

cumulatively, will have any material impact on the overall amenity implications 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 change being of a relatively minor scale and nature in this specific context.

The change proposed as part of this application is therefore considered appropriate by officers and is 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 change proposed by this application does not constitute a material change 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 amendment

12. Conditions:

REPLACEMENT CONDITION 5

No development shall commence on site, **excluding** demolition and any preparatory works, until an assessment of the nature and extent of contamination has been submitted to and been approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monument.

If found necessary by this assessment to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation, prior to commencement of development (**excluding** demolition and any preparatory works), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

The approved remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the

remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

Reason: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 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 allowed on appeal on 02/04/2024 under reference number 220258, 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 PL/24/1015 agreed on 20/09/2024) for this development should be read together.
2. In reaching this decision, the local planning authority is satisfied that the change proposed by this application does not constitute a material change 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 statutory timeframes.
4. As per the Environment Agency comments (Ref WA/2025/132523/01-L01, dated 18/09/2025, as part of on-going separate application PL/25/1188), you are reminded to ensure that, in agreeing this change, the site is protected from any increase in infiltration. In this regard it is noted that Ground&Water has confirmed, via an email received on 21/10/2025, that there may be a temporary increase in infiltration whilst risk assessment works take place. As such, to mitigate this, Ground&Water has indicated that the intention is for a series of French Drains (potentially in a herringbone pattern) to be installed post demolition of the building, which will collect surface water and discharge to the existing outfalls onsite, associated with the former building/car park. This is in order to ensure that there is no increase in infiltration as the Environment Agency seek. The Local Planning Authority is satisfied with the approach suggested by Ground&Water and will expect this to be followed in practice at the site.