

DELEGATED APPLICATION REPORT

Ward: Katesgrove Ward

App Ref: PL/25/1566 Non-Material Amendment

Address: 43 LONDON STREET, READING, RG1 4PS

Proposal: Application for a Non-Material Amendment Following a Grant of Planning Permission PL/19/1043 to alter the wording of Condition 2 (approved plans) and removal of condition 13 (solar panels)

Applicant: Mr K Soobadoo

Received date: 03/11/2025

Target Decision date: 01/12/2025

Case Officer: Ethne Humphreys

1. SITE DESCRIPTION AND PROPOSALS

The application amends planning permission 191043, which granted permission for:

Part-demolition of existing London Street facade and internal works to building alongside demolition of two storey building to rear to enable residential-led mixed-use development comprising 48 sqm community use (Class D1) and 21no residential units (2 x studio, 7 x 1 bed, 10 x 2 two bed and 2 x 3 bed units) together with associated services enclosures, parking and landscaping

This NMA proposal seeks to remove the solar panels previously proposed. As a result, two conditions within the original permission would need to be amended – condition 2, to amend the approved plans, and conditions 13, to remove the requirement for solar panel details.

The proposal seeks to delete condition 13 which is a pre-commencement condition (barring foundation level) requiring submission of details of the proposed solar panels.

The applicant has advised that the solar panels are not necessary to meet the sustainability requirements of the proposal.

2. CONSULTATIONS

Internal Consultations

None.

Councillor / Public Consultation

Neighbour Consultation

None required for this type of application. None received.

Site Notice

Not required for this type of application.

Plans / Documents Considered

Energy Strategy Review prepared by ME7 dated 11 August 2025

Received 3rd November 2025

Third Floor Layout LSR 015 P4

Fourth Floor Layout LSR 016 P4

Roof Layout LSR 017 P4

Received 13th November 2025

Relevant Planning History

191043/FUL Part-demolition of existing London Street facade and internal works to building alongside demolition of two storey building to rear to enable residential-led mixed-use development comprising 48 sqm community use (Class D1) and 21no residential units (2 x studio, 7 x 1 bed, 10 x 2 two bed and 2 x 3 bed units) together with associated services enclosures, parking and landscaping. Permitted.

221016/APC Application for approval of details reserved by condition 4 (Materials) of planning permission 191043. Discharged.

211942/APC Application for approval of details reserved by conditions 15, 23, 24, 27, 33, 34 of application 191043. Discharged.

251051/NMA Non-Material Amendment Following a Grant of Planning Permission PL/19/1043 to Remove Condition 11 (Interim BREEAM) and Vary the wording of Condition 12 (Final BREEAM). Agreed.

251201/APC Application for Approval of Details Reserved by Conditions 8 - (SAP Design Stage), 14 - (SUDs Report) 19 - (Mechanical Plant), and 20 - (Noise Impact Assessment) of application PL/19/1043. Discharged.

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.

3. 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."*

Relevant Policies

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

4. APPRAISAL

The applicant has demonstrated via 25/1201 APC that the proposals meet the necessary sustainability requirements (35% improvement in the new dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings 2013) without the need for solar panels. As such, the sustainability / energy credential of the scheme would not be compromised.

Further to the above, the omission of the solar panels is not considered to be harmful to the character and appearance of the proposal. Given this, the removal of Condition 13 is acceptable.

Officers also consider that the change 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 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 context, with the proposed change being of a relatively minor scale and nature in this context.

An informative is recommended which states that this decision shall only be read in the context of planning permission 191043 and is bound by all the conditions attached to that 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.

5. CONCLUSION

The changes as proposed are considered to be acceptable non-material alterations to the approved scheme.

6. RECOMMENDATION

GRANT non-material amendment.

Condition 2 – The drawings hereby approved as a Non-Material Amendment to original planning permission 191043 are as follows:

Third Floor Layout LSR 015 P4
Fourth Floor Layout LSR 016 P4
Roof Layout LSR 017 P4
Received 13th November 2025

Reason: To clarify which plans are approved.

Condition 13 - Deleted.

Informatives:

1. This decision relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of planning permission 191043 granted 16/06/20 and is bound by all the conditions 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 under the non-material amendment procedure within the agreed timeframes.