

DELEGATED APPLICATION REPORT

Ward:

App Ref: PL/25/1446 Non-Material Amendment

Address: 20-30 KINGS ROAD, READING, RG1 3EX

Proposal: Application for a Non-Material Amendment Following a Grant of Planning Permission

PL/23/1190 To request that the wording on Condition 13 is adjusted to post occupation

Applicant: The Secretary of State for Justice c/o Monica Limbu

Received date: 09/10/2025

Target Decision date: 06/11/2025

Case Officer: Catrin Davies

1. SITE DESCRIPTION

The application site was described as follows in the officer committee report as part of application PL/23/1190:

The site relates to 20-30 Kings Road located on the corner of Kings Road and Highbridge Wharf. The main building frontage faces onto King's Road, with the main entrance facing west towards the city centre at the corner of King's Street. The site consists of two buildings; the Carbon Building which is a five storey office building and Highbridge House, a three storey Grade II listed building and dates from the early 19th century with traditional red brick, timber sash windows and tiled roof. The most notable feature is the stone portico over the front door.

The Carbon Building was until recently used as an office building however it is currently unoccupied since it was refurbished in 2020 together with the adjoining Highbridge House. The two buildings are connected by an internal link at ground floor level however this was blocked during the recent refurbishments.

The site is within the central area of Reading Borough. The site is just north of the River Kennet and falls within an area of archaeological potential and an Air Quality Management Area. Part of the site on the western side falls within the Market Place / London Street Conservation Area. The area is characterised by large buildings mainly in retail and commercial office use.

The Listing for Highbridge House is as follows: "HIGH BRIDGE WHARF 1. 5128 House at rear of Nos 18 and 20 Kings Road SU 7173 SE 3/499 II 2. Early C19 detached. 3 storeys. 3 bays, glazing bar sashes. Red brick with stone cills and stone courses over 2nd floor to flat eaves. Hipped slate roof with 4 side chimneys. Projecting Greek Doric porch with fluted columns etc and entablature. 6 panel door with plain rectangular overlight. Ground floor windows blocked and sliding garage doors inserted between."

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks an amendment to planning permission PL/23/1190 To request that the wording on Condition 13 is adjusted to post occupation.

Condition 13 reads:

Prior to first occupation of the development hereby approved, a copy of a Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor shall have been submitted to and approved in writing by the Local Planning Authority, demonstrating that the development has attained as a minimum a 50% 'Very Good' rating.

REASON: To ensure that the development contributes adequately towards environmental sustainability, in accordance with Policy CC2 of the Reading Borough Local Plan 2019.13

The supporting letter states the applicant wishes to occupy the immediately after this inspection / handover however the BRE approval process taking at least 18 weeks due to delays. At the time of completion, the applicant would receive the Interim BREEAM Certificate which could be produced prior to occupation. With the final certificate issued once it has been received.

3. CONSULTATIONS

Internal Consultations

None.

Councillor Consultation

Since April 2020 the Chair & Vice Chair of the Planning Application Committee and Ward Councillors are no longer required to be notified on NMA or MMA applications which were originally determined by the Planning Applications Committee. This follows a change in the scheme of delegation, as agreed by Policy Committee. Accordingly, members were not formally notified on these applications.

Neighbour Consultation

None required for this type of application.

Site Notice

Not required for this type of application.

4. PLANS/DOCUMENTS CONSIDERED

None.

5. RELEVANT PLANNING HISTORY

PL/23/1190- Change of use from E(g)(i) to F1(g) Law Courts for both The Carbon Building and Highbridge House. Fitout of the buildings for use as a Law Court, installation of a new internal lift and new plant to existing roof plant enclosure. New gate and external ramped entrance to the rear of The Carbon Building. Streetscape security features including bollards to footpaths and obscuring film to windows- Granted

6. 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.

7. PLANNING GUIDANCE

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."

8. RELEVANT POLICIES

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

9. APPRAISAL

It is considered that the proposed change to the trigger point is acceptable, assisting in the development being implemented without compromising on the level/nature of information considered necessary under the original application. In short, the changes alter the trigger point for submission of relevant details from pre-occupation until post occupation.

The change does not materially alter the function of the condition, which will still secure the necessary detail to be submitted. In addition, an interim BREEAM Certificate (undertaken at completion of design) can be submitted prior to occupation this would demonstrate the proposal is on course to achieve a rating of 'Very Good' with the final report submitted post-occupation.

Officers also consider that the change can be made through the non-material amendment procedure. More specifically, it is not considered that the amendment, 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.

The change proposed is therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure.

An informative is recommended which states that this decision shall only be read in the context of planning permission 231190/FUL 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.

10. CONCLUSION

The local planning authority is satisfied that the change proposed does not constitute material changes to the approved planning permission. It is noted that the original condition wording had 50% as the minimum target when it is actually 55%. As such, the condition shall be re wording to reflect the 55% minimum target.

11. RECOMMENDATIONS

Grant non-material amendment

Amended condition 13

Condition 13 reads:

Prior to first occupation of the development hereby approved, a copy of the Interim BREEAM Certificate shall have been submitted to and approved in writing by the Local Planning Authority, demonstrating that the building is capable of achieving a minimum a 55% 'Very Good' rating. Within 6 months of the interim BREEAM Certificate being approved, the Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor shall have been submitted to and approved in writing by the Local Planning Authority, demonstrating that the development has attained as a minimum a 55% 'Very Good' rating.

REASON: To ensure that the development contributes adequately towards environmental sustainability, in accordance with Policy CC2 of the Reading Borough Local Plan 2019.

Informative:

- 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 PL/23/1190 granted 26/4/2024 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 recommended timeframes.