

## COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26<sup>th</sup> June 2019

**Ward:** Abbey

**Application No.:** 190793/NMA

**Address:** Land between Weldale Street and Chatham Street, Reading

**Proposal:** Non-material amendments to permission 170326 (granted on 15/03/2018) to amend the wording of conditions 15, 34 and 43 to allow details to be submitted on a phase-by-phase basis, and amend the wording of condition 32 to allow archaeological works to take place via an agreed timetable rather than pre-commencement (amended description).

**Applicant:** Ropemaker Properties Ltd

**Date Valid:** 15/05/19

**Application target decision date:** Extension of time agreed until 28/06/19

**26 week date:** 13/11/2019

### RECOMMENDATION

AGREE the non-material amendments to permission 170326 subject to the following replacement conditions:

**Replacement Condition 15 (air quality):**

Prior to the first occupation of any residential unit hereby approved a) an overall air quality strategy demonstrating strategic mitigation principles shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation of any residential unit within the relevant phase of development (b) phase 2 - Block A1, c) phase 3 - Block A2, d) phase 4 - Block B2, e) phase 5 - Block B1, as per 3622\_0250 Rev C Phasing Plan, as received 20/10/17) hereby approved a detailed scheme demonstrating sufficient mitigation to protect the occupants of the new dwellings hereby approved from poor air quality shall be submitted to and been approved in writing by the local planning authority. The scheme shall be implemented as approved prior to occupation of the relevant part of the development (associated with the relevant phase of development) and retained as approved at all times thereafter.

**Reason:** to protect the amenity / health of future occupants of the proposed development, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC9 of the Reading Central Area Action Plan (2009) and Policies DM4 and DM19 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

**Replacement Condition 32 (Archaeology)**

No development shall take place within the site until the applicant, or their agents or their successors in title, has submitted a written scheme of investigation of archaeological work and this has been approved in writing by the local planning authority. Thereafter the implementation of a programme of archaeological work (which may comprise more than one phase of work) shall take place in accordance with the detailed scheme and timetable approved pursuant to this condition.

**Reason:** The site lies in an area of archaeological potential, as illustrated by the Berkshire Archaeology Historic Environment Record. Archaeological monitoring or evaluation will

ensure preservation, either by record or in situ, of any heritage assets present on the site in a manner appropriate to their significance, in accordance with Policy CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

**Replacement Condition 34 (SuDS):**

No development (barring demolition) shall take place on any relevant phase ( a) phase 1, b) phase 2 c) phase 3, d) phase 4, e) phase 5, f) phase 6, in accordance with the approved phasing details specified on drawing 3622\_0250 Rev C phasing plan, as received 20/10/17) until a detailed sustainable drainage design for that phase, which shall also include details on the implementation, maintenance and management plan of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The plan shall include:

- i. a timetable for its implementation, and
- ii. a management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To reduce the risk of flooding onsite or elsewhere and to ensure that the development contributes adequately towards environmental sustainable urban drainage, in accordance with NPPF Paragraph 103, Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015).

**Replacement Condition 43 (play-space facility details)**

Prior to the first occupation of any residential unit within the relevant phase of development (a) phase 2 - Block A1, b) phase 4 - Block B2, as per 3622\_0250 Rev C Phasing Plan, as received 20/10/17) hereby approved, details of all on-site play-space facilities serving that phase shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the facilities, specifications and designs of the equipment, maintenance and management (including safety inspections) arrangements. The approved scheme shall be installed before occupation of the relevant block of residential accommodation (prior to the occupation of Block A1 for the facilities serving Blocks A1 and A2; prior to the occupation of Block B2 for the facilities serving Blocks B1 and B2) and shall thereafter be maintained in accordance with the approved details.

Reason: In order to provide suitable on-site play-space facilities for future occupiers and the wider public and to enhance the appearance of the development, in accordance with Policies CS7 and CS29 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC5 of the Reading Central Area Action Plan (2009) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

**Informatives:**

1. This Non-Material Amendment relates only to the changes highlighted on the plans. Furthermore it shall only be read in the context of the planning permission 170326 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 in the future) 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.

## 1. INTRODUCTION

1.1 The application site comprises land and buildings between Weldale Street (to the north), Caversham Road (The Inner Distribution Road - IDR) / Thorn Walk (to the east) and Chatham Street (to the south). More specifically, the existing site contains three large retail buildings and associated servicing/car parking/electric sub-station. An area of hard/soft landscaping and pavements in the south-east corner of the proposed site is owned by Reading Borough Council (RBC) as Highway land. The red line of the application site also includes the RBC highways owned pavements of Thorn Walk and Weldale Street. Of the three retail buildings, the one closest to Weldale Street was in use until earlier in 2019 by Iceland. In contrast, the other two units have been vacant for a number of years (having previously been occupied by Wickes and Multiyork). These buildings were erected in the late 1980s, with the site having previously been a bus depot (from 1950s) and terraced residential (at least from 1870). Part of the customer car parking is at ground level, with a portion on the western side of the site including a raised second level. Former vehicular access to the site was solely from Weldale Street, with the exit point being onto Chatham Street, effectively making this a one-way parking arrangement. The site is roughly rectangular in shape and is 1.32ha in size. There is a significant (more than 4 metres) fall in land levels from south to north at the site.

1.2 The application site is located within the Reading Central Area Action Plan area. The site is also wholly within the West Side Major Opportunity Area (Policy RC2). The vision for the area is for 'a mixed-use extension to the west of the centre containing high quality mixed-use environments and fostering stronger east-west links into the central core'. Policy RC2 is structured with general points applicable to all sub-areas, then some individual guidance for each sub-area. The more general points that are particularly relevant specify that development will:

- i) Contribute towards providing a mix of uses including residential;*
- ii) Help facilitate greater pedestrian and cycle permeability, in particular on key movement corridors and east-west links through the area and between development areas and the station, including the IDR;*
- iv) Provide additional areas of open space where possible, generally in the form of town squares;*
- v) Give careful consideration to the areas of transition to low and medium density residential and conservation areas and protect and, where appropriate, enhance the setting of listed buildings.*

1.3 More specifically at an individual level, the site is the southern half of the Great Knollys Street & Weldale Street Policy RC2b sub-area. Policy RC2b states:

*This area will be developed primarily for residential, although development resulting in the loss of small business units should seek to replace some of those units, preferably on site. Residential development should be located on the parts of the site at lower flood risk.*

- 1.4 The site is also within the Office Core (Policy RC6), an air quality management area (Policy DM19) and, owing to the former bus depot use, part of the site potentially includes contaminated land (Policy CS34). Furthermore, the Environment Agency has identified that the site overlies a principal aquifer.
- 1.5 The site is located outside of the designated (Policy RC13) tall building clusters, although the boundary of the 'Western Grouping' is immediately to the south of the application site at Chatham Street. The site is also located outside of both the Primary Shopping Area and the Central Core (Policy RC6). The site is also outside, but adjacent to, an area of archaeological potential (Policy CS33). It is also within Flood Zone 1, with the nearest Flood Zone 2 boundary being 45m to the north. The site is not within a conservation area, with the nearest conservation areas being as follows:
- Russell Street / Castle Hill - 170 metres to the south;
  - St Mary's Butts / Castle Street Conservation Area - 330 metres to the south
- 1.6 None of the application site buildings are listed. However, the following buildings in the vicinity of the site are listed and could potentially be impacted by the proposed development:
- Grade I Listed Greyfriars Church, Friar St - 80m to the east of the site and one of the most complete surviving examples of Franciscan- architecture in England
  - Grade II Listed quadrant walls and railings to former No 64 (Greyfriars Vicarage) - 125m to the east. The Vicarage itself isn't listed, but is considered a non-designated heritage asset.
  - Grade II Listed Mitre Inn (No 47 West Street) including No 92 Friar Street - 125m to the south-east
  - Grade II Listed W I Palmer Memorial Hall (Nos 42 and 43 West Street) - 135m to the south-east
  - Grade II Listed 3 & 5 Cheapside - 145m to the south-east
  - Grade II Listed Butlers Wine Vaults, Chatham Street - 60m to the south-west
  - Grade II Listed 122-124 Chatham Street - 150m to the west
  - Grade II Listed Mansion House, Oxford Road - 140m to the south-west
  - Grade II Listed Church of the Holy Trinity, Oxford Road - 185m to the south-west
  - Grade II Listed 29-31 Caversham Road - 60m to the north-east
  - Grade II Listed Regent Place, 47-57 Caversham Road - 150m to the north-east
- 1.7 The surrounding area comprises a mix of uses, predominantly commercial and residential. To the north are the two-storey light industrial and business units, a commercial garage and a recently completed four-storey residential development on Weldale Street. To the immediate north-east of the application site is The Chatham, a six-storey residential block of flats on the junction of Weldale Street and Thorn Walk. Further to the east is the IDR, beyond which are the terraced housing streets of Stanshawe Road, Sackville Street and Vachel Road. Also at this point are the Greyfriars Church (Grade I listed) and centre.
- 1.8 To the south-east, beyond the roundabout leading to the IDR below and Chatham Street / Friar Street are the four-storey head offices of Primark at 32-41 West Street (fronting onto Cheapside at this point) and the four-storey Adelphi House, which comprises a job centre at ground floor level. To the south of the site is the relatively recently built Chatham Place development, which is predominantly residential (varying from nine, eleven and up to nineteen storeys) and also includes







Site photographs from Weldale Street



Aerial view from Chatham Street car park

## 2. PROPOSALS

- 2.1 Non-material amendments to planning permission 170326 granted on 15/03/2018 are proposed. More specifically, these seek to change the wording of conditions 15, 34 and 43 to allow details to be submitted on a phase-by-phase basis, and amend

the wording of condition 32 to allow archaeological works to take place via an agreed timetable rather than pre-commencement.

- 2.2 During the statutory time period for determining such applications originally proposed changes to conditions 4, 19, 20, 26, 27, 41 and 45 were omitted from the proposals, following comments from officers. Furthermore, in the early stages of the determination period, amendments to the wording of condition 32 were introduced to the proposals. This arose following observations received from Berkshire Archaeology during the course of separate application 190787 (discharge of condition 32), which necessitated the wording of the condition to change to enable the condition to be discharged in line with guidance/advice from Berkshire Archaeology.
- 2.3 In terms of the Community Infrastructure Levy (CIL), this is not relevant in this specific proposal as no changes to the floor area are proposed.

### **3. PLANNING HISTORY**

- 3.1 170326/FUL - Demolition of all existing buildings (including 3 retail units) and structures, and erection of new buildings ranging between lower ground & 4 storeys to lower ground & 11 storeys in height, providing 427 (233x1, 182x2 & 12x3-bed) residential units (Class C3) and 1 flexible ground floor retail shop (Class A1) or restaurant and cafe (Class A3) unit, together with new public realm, landscaping, accesses, parking and associated works (amended description). Granted following completion of s106 legal agreement 15/03/18.
- 3.2 190787/APPCON - Discharge of condition 32 (Archaeology) of planning permission 170326. Current application under consideration.

### **4. CONSULTATIONS**

#### **i) RBC SuDS Manager**

- 4.1 The SuDS Manager advises that the SuDS scheme is broken down into two sections as it stands and therefore there is no in-principle issue with the proposed phasing of the condition. It is however necessary to include extra clarity (in the context of the originally proposed revisions to the wording of the condition) to require the drainage design to be submitted as well; the condition proposed by the applicant only required details on implementation, maintenance and management. As the scheme could be altered to reflect each phase, officers will need to assess the design as each phase comes forward. Officer comment: This suggestion was subsequently agreed to be added by the applicant.

#### **ii) RBC Environmental Health - Environmental Protection**

- 4.2 The proposal is for the air quality mitigation scheme to be on a phase by phase basis, but for the first submission to set out an overall strategy to be complied with for each subsequent phase. This may be acceptable, however it is considered (in the context of the originally proposed revisions to the wording of the condition) that the condition in its current suggested wording requires this first submission to be an overall strategy. Officer comment: This suggestion was subsequently agreed to be added by the applicant.
- 4.3 Environmental Protection officers raised concerns regarding the originally proposed changes to the wording of conditions 19 & 20. Officer comment: These conditions

were omitted during the course of the application and are therefore no longer proposed to be changed.

**iii) RBC Natural Environment**

- 4.4 The Natural Environment officer raised concerns regarding the originally proposed changes to the wording of conditions 26 & 27. Officer comment: These conditions were omitted during the course of the application and are therefore no longer proposed to be changed.

**vi) Public consultation**

- 4.5 . No statutory requirement for this type of application (Local Planning Authorities have discretion), as it is not an application for planning permission. None has been carried out for this application. No responses have been received

**5. LEGAL AND PLANNING POLICY CONTEXT**

- 5.1 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." The National Planning Practice Guidance clarifies that there is no statutory definition of ‘non-material’ “because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another.” To clarify, a non-material amendment permission does not result in a new permission.
- 5.2 In terms of relevant policies, the proposed amendments are assessed for materiality - not on the basis of their planning merits. Planning policies therefore do not apply. The National Planning Practice Guidance confirms that “as this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.”

**6. APPRAISAL**

- 6.1 The main issue is considered to be whether the proposed changes are non-material amendments to the original permission or not. Accordingly, each of the four changes are considered in turn:

Condition 15 - air quality

- 6.2 For context, the wording of the original condition at the time of permission 170326 was:

*Prior to the first occupation of any residential unit hereby approved a detailed scheme demonstrating sufficient mitigation to protect the occupants of the new dwellings hereby approved from poor air quality shall be submitted to and been approved in writing by the local planning authority. The scheme shall be implemented as approved prior to occupation of the relevant part of the development (associated with the relevant phase of development) and retained as approved at all times thereafter.*



*Reason: to protect the amenity / health of future occupants of the proposed development, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC9 of the Reading Central Area Action Plan (2009) and Policies DM4 and DM19 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).*

- 6.3 The applicant is now seeking for an overall strategy demonstrating strategic mitigation principles to be submitted and approved prior to the first occupation of any unit, rather than the entire scheme. Thereafter, separate submissions could be made prior to the first occupation of each phase demonstrating the scheme for each block. As before, such measures would also need to be implemented prior to occupation. Officers, including specialist Environmental Protection officers, are content with the now proposed condition, as detailed in the recommendation section above. This will ultimately still require the same level of overall information to be submitted/approved, as per the original wording, but allows greater flexibility in the provision of such details being submitted/approved on a phase by phase basis, whilst still adhering to the principles of an overall strategy discharged prior to any occupation. Accordingly, officers agree to the now proposed changes to the wording of this condition.

Condition 32 - archaeology

- 6.4 For context, the wording of the original condition at the time of permission 170326 was:

*No development shall take place within the site until the applicant, or their agents or their successors in title, has secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which will have been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.*

*Reason: The site lies in an area of archaeological potential, as illustrated by the Berkshire Archaeology Historic Environment Record. Archaeological monitoring or evaluation will ensure preservation, either by record or in situ, of any heritage assets present on the site in a manner appropriate to their significance, in accordance with Policy CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).*

- 6.5 Changes to the wording of this condition have been sought following the Berkshire Archaeology consultation response to the separate application seeking to discharge condition 32 (Ref 190787 - see section 3 above). In short, a written scheme of investigation (WSI) has been submitted, that commences with exploratory investigations. These will determine if any buried remains of significance survive within the site that require further investigation, either prior to or during construction. More specifically, section paragraph 1.6 of the WSI indicates that trench evaluations will take place at the appropriate phases of development. Therefore, although Berkshire Archaeology are satisfied with the WSI, the originally worded condition can no longer be adhered to, as there is a conflict between the wording / requirements of the condition (pre-commencement the implementation of archaeological works) and what is now likely to take place in practice (paragraph 1.6 of the WSI).

- 6.6 Accordingly, a workable solution is to alter the wording of the condition so that the development is carried out in accordance with a WSI, and the implementation of the programme of archaeological work is carried out in accordance with the details and timetable stated within the WSI. Berkshire Archaeology, the applicant and officers are agreeable to the changes in light of the written scheme of investigation submitted. The additional flexibility in the wording of the condition is not considered to dilute the scope of the original condition. Should this condition be agreed to be altered, this would then be applied to separate application 190787.

Condition 34 - SuDS

- 6.7 For context, the wording of the original condition at the time of permission 170326 was:

*No development (barring demolition) shall take place until details of the implementation, maintenance and management plan of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The plan shall include:*

- i. a timetable for its implementation, and*
- ii. a management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.*

*The scheme shall be implemented and thereafter managed and maintained in accordance with the approved plan.*

*Reason: To reduce the risk of flooding onsite or elsewhere and to ensure that the development contributions adequately towards environmental sustainable urban drainage, in accordance with NPPF Paragraph 103, Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015).*

- 6.8 The applicant is now seeking for the wording of the condition to be altered to allow the possibility of details being submitted on a phase-by-phase basis. The applicant has outlined that whilst there is a drainage strategy for the whole site, which was submitted as part of the original planning application, the detailed design work required to discharge this condition has to date only been carried out for Blocks A1 and A2 (the phasing plan details these blocks will be completed first). The applicant advises that the drainage will be interrelated and in line with the previously approved strategy, accounting for the allowable discharge rates previously agreed for the site-wide implementation. Given the proximity of Blocks A1 and A2 together with B1 and B2, the applicant anticipates that there would be a maximum of two submissions in relation to this condition. However, to provide maximum flexibility, all phases are referenced separately in the amended worded condition stated in the recommendation above.
- 6.9 The SuDS Manager is content with the changes and his additions (see section 4 above for details) have also been agreed to be incorporated. In summary, officers are content with the altered wording, as ultimately it shall still require the same level of information overall to be submitted/approved, as per the original wording, but it allows greater flexibility in the provision of such details being submitted/approved on a phase by phase basis. Accordingly, officers agree to the now proposed changes to the wording of this condition.

#### Condition 43 - play-space facility details

- 6.10 For context, the wording of the original condition at the time of permission 170326 was:

*Prior to the first occupation of any residential unit hereby approved details of all on-site play-space facilities shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the facilities, specifications and designs of the equipment, maintenance and management (including safety inspections) arrangements. The approved scheme shall be installed before occupation of the relevant block of residential accommodation (prior to the occupation of Block A1 for the facilities serving Blocks A1 and A2; prior to the occupation of Block B1 for the facilities serving Blocks B1 and B2) and shall thereafter be maintained in accordance with the approved details.*

*Reason: In order to provide suitable on-site play-space facilities for future occupiers and the wider public and to enhance the appearance of the development, in accordance with Policies CS7 and CS29 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy RC5 of the Reading Central Area Action Plan (2009) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).*

- 6.11 The applicant is now seeking for the wording of the condition to be altered to allow the possibility of details being submitted in two phases. First, prior to the first occupation of any residential unit within phase 2 (Block A1) details of the play-space facilities serving Blocks A1 and A2 (phases 2 & 3) would need to be submitted/approved, and these would then need to be installed prior to occupation of Block A1. Secondly, prior to the first occupation of any residential unit within phase 4 (Block B2) details of the play-space facilities serving Blocks B2 and B1 (phases 4 & 5) would need to be submitted/approved, and these would then need to be installed prior to occupation of Block B2. The applicant has advised that the detailed information for Block B is unlikely to be available at the time it needs to be submitted for Block A. Officers are agreeable to the proposed change, as it will still require the same level of information, but simply allows flexibility in providing these details in two stages. This is considered appropriate in the context of this being a long-term construction programme. Accordingly, officers agree to the now proposed changes to the wording of this condition.

#### Overall conclusions

- 6.12 Officers are content that the proposed changes, individually and cumulatively, are acceptable. 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, transport / highway safety or any other relevant intentions. Instead the changes simply allow details to be submitted in more stages than present. This conclusion is also reached owing to the context of the overall approved scheme and the nature of the surrounding context.
- 6.13 An informative is recommended which states that this permission relates only to the changes specified within the replacement conditions. Furthermore it shall only be read in the context of the planning permission granted under reference number

170326, and is bound by all the conditions and obligations 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.

#### Equality

- 6.14 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

### **7. CONCLUSION**

- 7.1 The proposals are considered to be acceptable as non-material amendments to the original permission and therefore are recommended to be agreed as such.

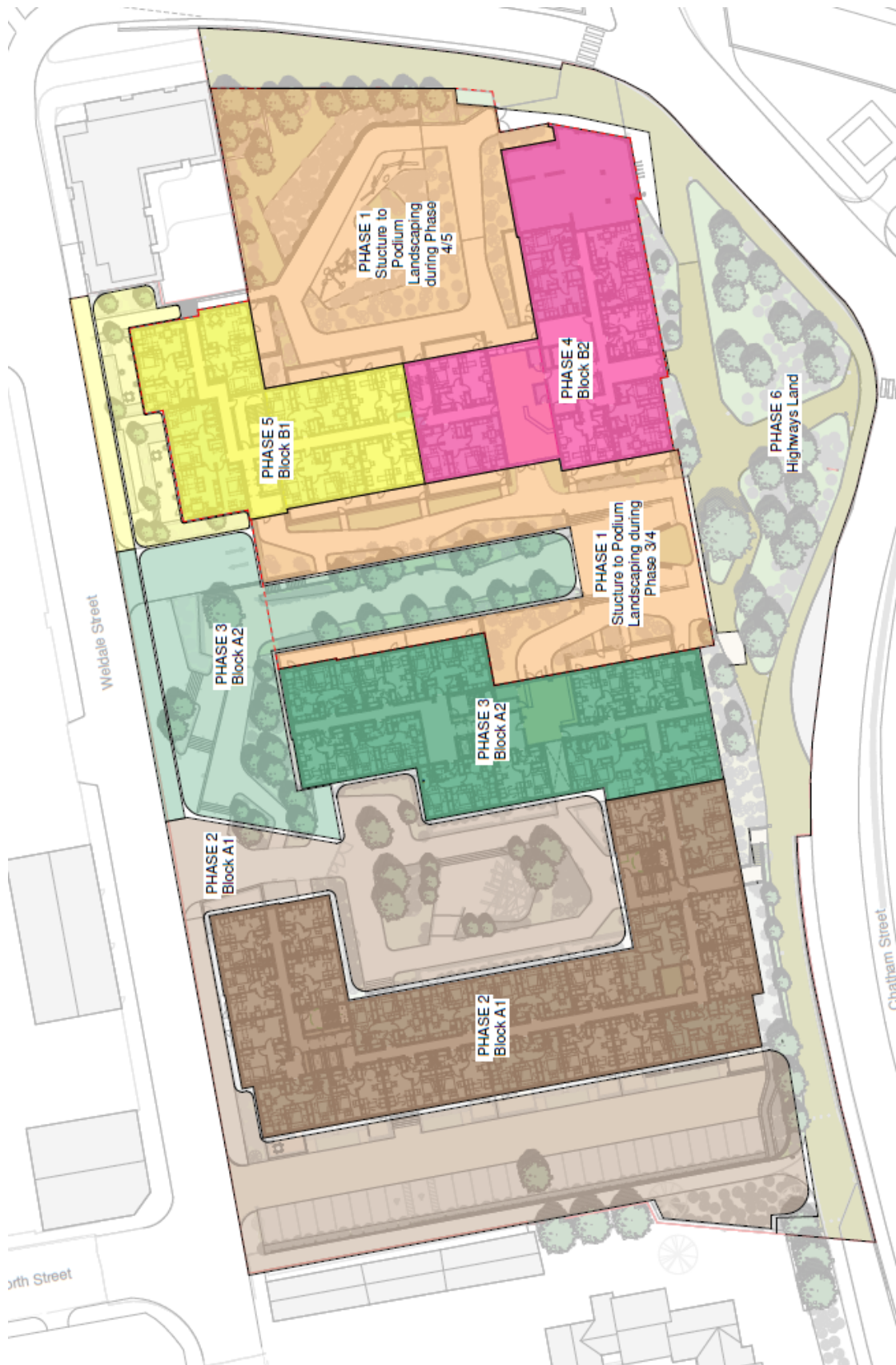
#### **Documents considered:**

Application form

Proposed Amendments to Weldale Street Conditions for Non-Material Amendment Application Rev D, as received 31/05/19

Email from Ridge and Partners, dated and received 11/06/19

**Case Officer:** Jonathan Markwell



Extract of Phasing Plan - 3622\_0250 Rev C Phasing Plan, as received 20/10/17 at the time of permission 170326