

DELEGATED APPLICATION REPORTS - Application No's: A) 180758/FUL & B) 180875/LBC

Address: Addington House, 73 London Street, Reading, RG1 4QA

Proposals: A) Conversion of basement and 3 storey office building to 8 (1x studio, 4x1 & 3x2-bed flats) residential units (Class C3) and associated works. B) Internal and external works associated with conversion of an existing office building to 8 flats.

Applicant: Mr D Hasler

Case officer: Jonathan Markwell

Date received (valid from): 07/06/2018

Target decision date: Originally 02/08/18, extension of time agreed until 12/10/18

1. Site Description and Surrounding Area:

1.1 The application site comprises a basement and three-storey mid-terrace building located on the east side of London Street, close to the junction with South Street (to the north). The building is in office use as a private function hall, with a large open plan area to the rear of the site. There is also a small parking area to the rear (east of the site) within the red line of the application site, which is accessed via South Street (as part of a larger parking area for properties fronting onto South Street).

1.2 The site is located within Market Place / London Street Conservation Area. The building is grade II* listed, albeit the Historic England listings are somewhat unclear in that they refer to Nos. 73 and 75 London St (grade II*) and Nos. 75 and 77 (grade II). The application solely relates to No. 73 and No. 75-77 is an entirely separate building. The listing description for Nos. 73 and 75 are as follows:

LONDON STREET 1. 5128 (East Side) Nos 73 and 75 SU 7173 SE 3/195 22.3.75. II GV 2. 1748, house of Dr Addington, physician to George III, father of the later Prime Minister. (Lead rainwater head with initials AM and date 1748 removed since previous list). An imposing pair of houses of the same general design. 3 storeys and basement. Stucco plinth, red brick, header bond. Painted stone string at 1st floor level, and painted stone cills to 1st and 2nd floor windows. Moulded and painted stone cornice, plain brick parapet with stone coping. Old tile roof, taller hipped part to left with shaped chimney. Glazing bar sash windows (No 75 has a vent now to 2nd floor left hand window), scalloped blind boxes to No 75. Central doors with stone steps (only No 73 retaining moulded nosing). No 73 has 6 panelled door with radiating fanlight over deep plain painted wood architrave with ovolo moulding. Moulded open pediment on half scroll fluted brackets with acanthus ornament, repeated at right angles on wall face. No 75 has double 6 panelled door with rectangular fanlight (oval and star glazing pattern); wood case with panelled reveals, architrave surround, plain frieze, msulded cornice and half scroll fluted brackets with acanthus ornament. Recently a further door has been inserted to left of No 75, smaller with isolated brackets (probably intended for a flat hood). C18 or early C19 ramped spearhead cast-iron railings with panel standards topped with small urns and segmental bar and ball across front of both houses. No 73 retains a pair of sphinx footscrapers. Interior of No 75 altered to cinema. No 73 has original staircase with fluted balusters and plaster panelling in principal rooms, hall and staircase. Flagged hall with black diamond corners. Rear altered.*

1.3 The site is also within an Air Quality Management Area and the Reading Central Area Action Plan boundary. The surrounding area contains a mix of uses, predominantly commercial at ground floor level and residential on the upper floor levels. In particular, it is noted that a private function hall is located next to the application site.

2. Proposals:

- 2.1 The proposal involves an application for full planning permission for the change of use of the building from office (Class B1a) to 8 residential units (Class C3). More specifically, this comprises: 1x studio (flat 5 at first floor level), 4x1-bed (flat 2 at ground floor, flat 4 at first floor level and flats 7 & 8 at second floor level) & 3x2-bed flats (flat 1 at ground floor level, flat 3 at first floor level and flat 6 at second floor level). The plans also show a retained space to the rear for bin storage/collection and three off-street parking spaces. A number of associated works are also proposed, including various internal works to facilitate the proposed change of use / conversion. More specifically, these involve:
- Separate storage areas at basement floor level
 - Cycle storage spaces at basement floor level
 - Two boiler flues on rear flank elevation at both ground and first floor level
 - Four vent terminals at roof level
- 2.2 Given the listed nature of the building, listed building consent is sought for the various internal works to facilitate the proposed change of use. The heritage statement details that Upvc windows on the rear elevation will be replaced with timber windows, albeit no details of this are shown on the plans submitted.
- 2.3 During the course of the application some further information was submitted by the applicant in terms of justification for the loss of the existing use (following initial officer feedback), together with internal alterations which seek to address original comments from Historic England and the LPA's Historic Buildings Consultant (see section 6 below). The changes were not considered to be of a nature which warranted formal public re-consultation.

3. Plans & Documents Considered:

001 Rev P2 - Site Location Plan, as received 10/05/18
002 Rev P2 - Block Plan, as received 10/05/18
003 Rev P8 - Ground Floor, as received 29/08/18
004 Rev P8 - First Floor, as received 29/08/18
005 Rev P8 - Second Floor, as received 29/08/18
006 Rev P6 - Roof Plan, as received 10/05/18
007 Rev P8 - Basement Floor Plans, as received 29/08/18
008 Rev P2 - Existing Elevations, as received 10/05/18
016 Rev P1 - Proposed Vent Terminal Locations & Section AA, as received 29/08/18

Heritage Impact Assessment Rev P4 (including Appendix A, B & C) by Hives Architects, as received 29/08/18

009 Rev P2 - Design & Access statement by Hives Architects, as received 29/08/18
011B - Loss of Employment Statement, as received 29/08/18
012 - Noise and Vibration Statement, as received 10/05/18
013 - Sustainability Statement, as received 10/05/18
015 Options 3&4, as received 29/08/18

4. Relevant Planning History:

- 4.1 990692 - Removal of modern partitions to restore original room sizes, cutting out and renewal of rotten floor and replacement of internal rainwater disposal system. Granted 08/11/2000.

- 4.2 990923 - Erection of replacement fire escape stair on rear elevation. Granted 18/10/2000.
- 4.3 991342 - Works to include the separation of numbers 71 and 73 and demolition of two storey return to building and infilling of doors and windows as necessary. Granted 12/10/2000.
- 4.4 100529 - Erection of commemorative blue plaque. Granted 15/09/2010.

5. Public Consultation:

- 5.1 Consultation letters were sent to nearby occupiers on 11/06/18. A site notice was erected on 13/06/2018, expiring on 03/07/2018. A press notice was published on 21/06/18, expiring on 11/07/18.
- 5.2 Reading CAAC and Reading Civic Society were both formally consulted on the proposals.
- 5.3 No responses have been received.

6. Consultation Responses:

6a. RBC Transport:

London Street forms part of the A327 and operates one way southbound with a northbound bus lane that is enforced 24 hours a day. This zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. It is also part of a conservation area and the building is grade II* listed. The site is located within the Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs.

In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking and cycle provision of:

	Parking provision required	Cycle provision Required
1 x Studio	1	0.5
4x1 Bed Flat	4	2.0
3 x 2 Bed Flat	3	1.5

The Design and Access Statement and ground floor plan 2695 003 P6 illustrate 3 parking spaces located at the rear of the development and accessed via South Street. This does not conform to the councils current SPD Parking Standards, however the site is within close proximity to the Oracle shopping centre, multi-storey car parks, and Broad Street where there is a range of shops and services. Therefore the reduced provision of private parking is acceptable for this development. In addition to this, the site is located within walking/cycling distance of Reading town station.

London Street and the surrounding road network all have parking restrictions preventing on-street parking; therefore, any overflow in parking would not affect the flow of traffic on the classified road network; however future residents of the properties would not be entitled to apply for a residents or visitor parking permits for the surrounding residential streets where parking is under considerable pressure. This will ensure that the development does not harm

the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

Revised plans (during the application) show that spaces for 8 cycles (1 per flat) will be provided at basement floor level; although located at basement level (which is not ideal in terms of a location), given the constraints of the site this is considered appropriate in this instance, with a compliance condition securing this provision in practice.

A refuse storage area is illustrated on submitted plans located at the rear of the development. It should be noted that bin storage should comply with Manual for Streets and British Standard 5906: 2005 for Waste Management in Buildings and should be located no further than 15m from the access point of the site to avoid the stationing of service vehicles on the carriageway for excessive periods. Schedule 1, Part H of the Building Regulations 2000 defines locations for the storage and collection of waste. It is recommended that the Councils waste/refuse department should be contacted to ensure the correct capacity of bins are provided.

Given the constrained nature of London Street and the various internal works required to facilitate the change of use, it is considered necessary to secure details of a construction method statement prior to the commencement of development. This is in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety.

There are no Transport objections to this application subject to the conditions and informatives stated below:

Conditions

- Construction Method Statement
- Vehicle parking space provided in accordance with approved plans
- Bicycle parking space provided in accordance with approved plans
- Bin storage provided in accordance with approved plans
- Parking permits restrictions x2

Informatives

- Highways
- Parking permits

6b. RBC Environmental Protection:

There are potential Environmental Protection concerns regarding the noise impact on development and the construction and demolition phase.

Noise impact on development

A noise assessment should be submitted in support of applications for new residential proposed in noisy areas. Traffic noise and noise from nearby commercial premises are of concern. The noise statement submitted does not include a noise assessment, so it is unable to be confirmed that internal noise levels, particularly within bedrooms, will meet the recommended standards in BS8233:2014.

As a noise assessment has not been submitted, it is recommended that a condition is attached to any consent requiring a noise assessment to be submitted prior to commencement of development and any approved mitigation measures implemented

prior to occupation to show that recommended noise levels in the table above can be met.

The noise assessment will need to identify the external noise levels impacting on the proposed site. Noise mitigation is likely to focus on the weak point in the structure; glazing. Given that the acoustic integrity would be compromised should the windows be opened, ventilation details must also be provided, where mitigation relies on closed windows. Ventilation measures should be selected which do not allow unacceptable noise ingress and should provide sufficient ventilation to avoid the need to open windows in hot weather, however non-openable windows are not considered an acceptable solution due to the impact on living standards.

Construction and demolition phases - extensions / renovations

Environmental Protection commonly receive complaints about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and about smoke from bonfires associated with the burning of waste on site of minor developments. It is recommended that the following informative is attached to help prevent complaints.

Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

There should be no burning of waste on the site.

Subject to these conditions and informative the proposals are satisfactory from an Environmental Protection perspective.

6c. Historic England:

Initial response (July 2017):

Addington House, 73 London Street, was built in the mid-18th century for a Dr Anthony Addington, a early specialist in mental health. Number 75 London Street was added around a similar time to house some of his patients. The buildings are of high significance, and are listed Grade II, primarily due to their architectural importance and the fine 18th century features of the building can be clearly seen on the façade facing London Street and many interior spaces, including the hall, principal stairs and landing, and a number of principal rooms on both ground and first floors. The staircase from first to second floor is also elegant and some historical doorframes and skirting are also present here.*

The proposal is for the conversion of number 73 London Street into 8 flats. It would involve the insertion of bathrooms and kitchens, and modifications to some walls and doorways to facilitate the proposed layout. It is also anticipated that associated fire separation of units will be required, although this degree of detail has not been provided as part of the application. Amended plans were received on 25th June.

Historic England considers that the proposed conversion of the building, both as originally submitted and despite recent amendments to the plans that have been shared with me (yet to be formally submitted to the Council), would harm its significance through removing the ability to experience the building as one cohesive whole, as it was designed and historically used. Furthermore, a number of the proposed alterations, particularly the need for new lobbies and bathrooms to service the flats, would requires new walls and 'pods' to be introduced. These would obscure decorative schemes and disrupt the proportions of some

rooms, in particular those in proposed flats numbers 2 and 4. Other rooms have been stripped of any previous decoration and so have less significance, although the potential for enhancement exists.

We also have concerns about the implications of providing adequate fire separation to flats, although no specific detail is provided on this. There is considerable potential for harm to be caused to decorative finishes and historic doors through covering these features with fire retardant materials or removing or altering doors and panelling to allow this to take place. It is acknowledged that a number of rooms have been quite altered internally and that some changes to windows have not been sensitive. Nonetheless, the interior of the building remains of considerable architectural and historic interest and remains sensitive to alterations of this sort.

The National Planning Policy Framework requires at paragraph 132 that when considering the impact of a proposed development on the significance of a listed building great weight should be given to the asset's conservation. The more important the asset the greater that weight should be and any harm must have clear and convincing justification. Paragraph 134 requires harm that is less than substantial to be weighed against the public benefits of the application, including finding the optimum viable use for the building, but prior to that weighing exercise taking place, paragraph 129 requires that local planning authorities should first be satisfied that any conflicts between the conservation of the heritage asset and any aspect of the proposal have been avoided or at least minimised.

It is our view that the proposed creation of 8 flats at Addington House would harm the significance of the grade II* building through the permanent subdivision of the building and potential fire preventions measures. While we do not consider the level of harm to be substantial we think that it would lie towards to the upper end of less than substantial and thus should only be accepted if there was a sound justification.

As acknowledged earlier in our letter, care has been taken to design the conversion to minimise harm to historic fabric and fulfil the requirements of paragraph 129 of the NPPF. However, it is not clear that the harm entailed is justified, nor outweighed by the public benefits as it is not clear that conversion to flats is necessary in order to secure the optimum viable use of the building. No clear justification for the harm to the architectural and historic interest of the building has been put forward and it may be possible to avoid the harm that this scheme would cause by continuing the office use of the building, or indeed through another use that does not require subdivision. Whilst the proposal is for a number of residential units, which could be considered a public benefit, the small number of units means that this benefit is minor and would in our view not outweigh the considerable harm to the listed building. We remind you that when considering the planning balance the 1990 Planning Act requires great weight to be given to the conservation of this building. We recommend, therefore, that listed building consent is not granted unless it can clearly and convincingly be demonstrated that on-going office use, or a similar use which avoids the subdivision of the building, is not viable.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 129, 132 and 134 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special

architectural or historic interest which they possess.

Follow up response (received 20/09/18) following the submission of more information on 29/08/18:

The applicants have provided what I consider to be a sound justification as to why continued office or commercial use is unlikely to be commercially viable. While use as flats is very different from its original use as a single dwelling, and so should not be viewed as a positive move in itself, we accept that flats are likely to be the least harmful commercially viable use for this building that is possible at present. We are also content that the revised layouts no[w] submitted are the least harmful way of practically converting this building into flats.

However, the conversion needs to be carried out with great care if harm to the significance of the interior of the building is to be kept to the minimum. We have concerns about leaving this level of detail to be determined via condition. Where the details of a proposal has the potential to seriously affect the significance of a highly graded listed building, as is the case here, we consider it appropriate that they are resolved as part of the application if the conservation of the building is to be given great weight as required by paragraph 193 of the NPPF. The reason for this that there will inevitably be much less scrutiny of conditions and there is no guarantee that the discharge of any conditions attached to a granted consent would be overseen by a conservation specialist, particularly as Reading has no full-time conservation officer. If the Council resolves to grant consent without additional details we would like to be consulted on any application for discharge of conditions.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 193 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Officer comment: the LPA refute comments by Historic England that approval of details applications are less scrutinised than application; all applications are considered in detail. Furthermore, it is confirmed that the future discharge of conditions applications will be assessed by RBC's Historic Building Consultant and an informative will be included on the decision notice to specify that Historic England will also be formally consulted to.

6d: RBC Heritage Consultant:

Initial response (July 2018, following HE comments):

Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") provides statutory protection for buildings included on the statutory list (Listed Buildings). Listed Building protection is given to buildings, or structures, which are considered to be of 'special architectural or historic interest. With respect to these applications, the applicable statutory provisions are:

- Section 16(2) which regards listed building consent for any works; and
- Section 66(1) the determination of applications

Section 66(1) states that when determining applications, the local planning authority or the Secretary of State, *'shall have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest which it possesses'*.

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

In addition, fixtures and curtilage buildings, that is any object or structure which is fixed to the building or is within the curtilage and forms part of the land and has done so since before July 1948, are also treated as part of the building for the purposes of listed building control.

The Setting of Listed Buildings

Recent legal cases relating to issues of the setting of listed buildings have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66(1), in the determination of applications affecting the setting of a Listed Building, states that:

'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

In the 'Barnwell Manor' case (2014) (East Northamptonshire District Council v. Secretary of State for Communities and Local Government) the Court of Appeal held that section 70(1) was expressly subject to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that decision-makers should give 'considerable importance and weight' to the desirability of preserving setting of a listed building.

The Barnwell Manor wind-farm case established that it did not follow that, if harm to a listed building was found to be less than substantial under the balancing exercise in policies HE9 and HE10 (NB: under PPS5 which was then in force), that a decision-maker could ignore the overarching duty imposed by section 66 (of the Act) to have special regard to the desirability of preserving setting of a listed building.

Conservation Areas

Section 69 of the Act imposes a duty on local planning authorities to designate as Conservation Areas any *'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'*.

Recent legal cases have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) provides that the local authority has a statutory duty that:

'with respect of any building or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Reading Borough Planning Policies

The Core Strategy 2008 (with further alterations January 2015), Policy CS33: Protection and Enhancement of the Historic Environment states:

Historic features and areas of historic importance and other elements of the historic environment, including their settings, will be protected and where appropriate enhanced. This will include:

- *Listed Buildings;*
- *Conservation Areas;*
- *Other features with local or national designation, such as sites and features of archaeological importance, and historic parks and gardens.*

Planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located and for the purpose of ensuring that work is appropriate to the special architectural or historic interest of the listed building.

Within paragraph 11.8 of the Core Strategy it also specifies that:

The Borough Council is committed to protecting and where appropriate, enhancing the Borough's historic environment. This includes ensuring that buildings and features of Local architectural and historic interest (which are not necessarily recognised components of the historic environment) are taken fully into account and safeguarded..."

National Planning Policy Framework (NPPF)

In 2012, the Government published the National Planning Policy Framework (NPPF), which replaced the National Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The NPPF was published in 2012 and updated in July 2018. Policies regarding the Conservation and Enhancement of the Historic Environment are outlined in Section 16.

The NPPF sets out a presumption in favour of sustainable development and a key dimension of 'sustainability' is defined as '...protecting and enhancing our...historic environment' (DCLG et al, 2014).

The glossary annexed to the NPPF defines the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Paragraph 189 of the NPPF states:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 of the NPPF states:

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 193 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Paragraph 195 of the NPPF states:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Paragraph 196 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph of the NPPF 197 states:

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Planning Practice Guide (PPG)

The Planning Practice Guide (PPG) (2014) clarifies this additional requirement under 'What is the main legislative framework for planning and the historic environment?' where it states that:

In addition to the normal planning framework set out in the Town and Country Planning Act 1990...the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest.

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

(See ID 18a-002-20140306)

The PPG states under 'Why is 'significance' important in decision-taking?' that:

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a

heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Under the discussion of ‘How to assess if there is substantial harm?’ the PPG offers:

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset?

As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

Historic England Good Practice Advice in Planning

Historic England has produced new guidance on the interpretation and implementation of the NPPF and PPG with regard to the historic environment in the form of:

- *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015a);*
- *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015b);*

Listed Building Description

Numbers 73 and 75 London Street are Grade II* Listed Buildings. Dating from 1748, No. 73 was originally the house of Dr Addington, physician to George III, father of the later Prime Minister. A lead rainwater head with the initials ‘AM’ and date 1748, was removed since previous list.

Consists of an imposing pair of houses of the same general design. Three storeys with basement. Built on a stucco plinth, red brick, header bond. Painted stone string at 1st floor level, and painted stone cills to 1st and 2nd floor windows. Moulded and painted stone cornice, plain brick parapet with stone coping. Old tile roof, taller hipped part to left with shaped chimney. Glazing bar sash windows (No 75 has a vent now to 2nd floor left hand window), scalloped blind boxes to No 75. Central doors with stone steps (only No 73 retaining moulded nosing).

No 73 has 6 panelled door with radiating fanlight over deep plain painted wood architrave with ovolo moulding. Moulded open pediment on half scroll fluted brackets with acanthus ornament, repeated at right angles on wall face.

No 75 has double 6 panelled door with rectangular fanlight (oval and star glazing pattern); wood case with panelled reveals, architrave surround, plain frieze, moulded cornice and half scroll fluted brackets with acanthus ornament. Recently a further door has been inserted to left of No 75, smaller with isolated brackets (probably intended for a flat hood). C18 or early C19 ramped spearhead cast-iron railings with panel standards topped with small urns and segmental bar and ball across front of both houses. No 73 retains a pair of sphinx foot-scrappers. Interior of No 75 altered to cinema. No 73 has original staircase with fluted balusters and plaster panelling in principal rooms, hall and staircase. Flagged stone floor in hall with black diamond corners.

Many of the ground floor rooms retain cornices and timber panelling. Some timber panelling within the first floor reception seem to have been replaced in a replica form. Second floor has undergone a great deal of alteration, with few features of architectural interest remaining, apart from some possible timber panelling.

The rear of the building has been much altered. The windows are much altered and 20th century uPVC windows added, many with concrete lintels. The rear Venetian window and octagonal bay window are later additions, but nevertheless historic, probably early Victorian.

The building is also located within the Market Place and London Street Conservation Area.

Proposals

No works affecting the exterior are proposed excepting for vents to the roof and the replacement of upvc windows with timber windows (officer note: as stated in the Heritage Impact Assessment, although not shown on the plans submitted).

Roof

Addition of vent terminals on the roof, on the flat area between the ridges.

Basement

The basement is a brick vaulted structure. Proposed addition of new internal walls to separate into 10 separate, allocated storage areas. There are no major comments regarding the basement as long as the separation is reversible.

Ground-Floor

The ground floor reception rooms are some of the most important and unaltered within the Listed Building and require sensitive detailing to convert them to flats. The building was subject to repairs in 2001. Much of the interior of the ground floor rooms has survived including cornices, windows and shutters, timber panelling, doors and architraves and fireplaces. The floors of the ground floor have been replaced with laminate throughout and the skirting boards also replaced.

Flat 1

The proposals consist of conversion of left-hand room into Flat 1. The front reception room, which contains timber panelling, would form a living area and would remain unaltered. The rear room would form a kitchen, bathroom and bedroom; this room contains no features of interest and has been heavily modified. The bathroom and kitchen would be formed by new walls to the rear of the chimney breast (blocked-up). It is proposed to insert of doorways into the rear rooms, which is sub-divided to form two bedrooms with one bathroom. A rear lobby would be formed to a new bedroom into an existing modern extension to the rear.

The front and rear reception rooms are currently sub-divided by wall which is not shown on the existing drawings, although it does appear that this originally contained doorways through the timber panelling which could be re-opened.

The proposals would result in the restoration of part of the existing hallway wall, where it has been removed to create a new opening and reception kiosk as well as the fixing shut of two existing doorways. These should be fixed shut and the door and architrave retained.

The rear room has been heavily modernised and does not retain features of architectural interest. The sub-division of the rear rooms into two bedrooms and bathroom, would therefore be considered acceptable.

Flat 2

The front and rear rooms forming Flat 2 are the primary reception rooms and retain many features of architectural and historic interest such as cornices, windows and shutters and fireplaces which required preservation.

The front reception room of Flat 2 is to be used as a single bedroom flat room to avoid subdivision and any effects on features of architectural or historic interest.

The rear room would form a living area with bathroom and kitchen with new access lobby. The proposed bathroom and kitchen area within this main rear reception room is likely to

have an adverse effect on the rooms surviving cornicing and panelling. The existing panelling on the wall in the location of the new bathroom would need to be boarded over and retained behind the new bathroom wall with a space retained behind to allow any new pipework entrance without damaging the panelling; further details of this will need to be provided by condition.

Again panelling behind the kitchen wall would need to be retained and boarded over to provide space of services behind and splashbacks without damaging the existing panelling.

Fitted cupboards adjacent to the chimney breast must not affect the wooden panelling.

First Floor

Alterations to the main landing area, would be substantial. As detailed at pre-application stage the internal addition of a lobby area should be removed as this would cause unnecessary harm to the appreciation of the panelling and height and grandeur of the landing from the formal staircase as well as unnecessary loss of doorways. Instead the bedroom doorway could be fixed shut and the doorway from Flat 4 left in place to access the bedroom.

At first floor level the timber floorboards appear to have survived (below carpet tiles) and these should be retained.

Flat 4

As above, the proposed lobby should be deleted and the existing entrance from the landing into the proposed living area is retained and used as main access with the doorway to link to the proposed bedroom also retained.

The internal room would be open plane with no sub-division except the addition of a bathroom.

Flat 5

Addition of wall along the stairway to provide enclosure and access to Flat 5.

Second Floor

General

There are fewer features of architectural or historic interest at this level. Although the timber panelling around the surviving chimney should be preserved. Many walls have been removed to create an open plan office.

Flat 7

Flat 7 the proposed kitchen has been moved from the front of the chimney breast, in order to avoid damage to the chimney breast.

Historic England Comments

Historic England (HE) commented that the modification of No. 73 London Street into 8 flats would involve insertion of bathrooms and kitchens and modifications to the walls and doorways. HE consider that the proposals would harm the significance of the building by removing the ability to appreciate its full buildings as a cohesive whole. In addition, new lobbies and bathrooms would require new walls and pods to be introduced which would obscure decorative schemes especially in Rooms 2 and 4; other rooms have largely been stripped of decoration. HE also consider that fire separation would be required, which is not currently provided in the detail.

HE acknowledges there have been many inappropriate changes but the interior remains sensitive to change. However, HE require justification for the potential harm and also evidence of that the current office use is not possible on a continuing basis.

Conclusions

The main changes to the Listed Building would affect the re-configuration of doorways and addition of services. Heating is to be provided by boilers located discreetly in the small former toilets adjacent to the rear windows. Works to the rear are confined to new opening for vents are tucked away behind the side return wall of the rear projection/extension in order to disguise this element. The building would benefit from the removal of existing Upvc windows and replacement in timber (Planning officer note: although this is not shown on the plans to be proposed as part of this application).

Whilst there is no objection to conversion of the building to residential use as in principal subject to the following conditions:

COMMENCEMENT OF WORKS - TIME LIMIT

The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: *To accord with s.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to allow the Local Planning Authority to reconsider the desirability of the proposal if it is not carried out within that time.*

SCHEDULE OF REMOVALS

No works shall commence until a detailed schedule of all those parts of the building to be removed, dismantled or stripped out (including the removal of internal features, floors, and wall or ceiling surfaces) have been submitted to and approved by the Local Planning Authority in writing. The works shall only be carried out in accordance with the approved drawings and schedules.

Reason: *To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building*

PROTECTION AND SUPPORT

Adequate protection to the building shall be provided to the satisfaction of the local planning authority at all times during the approved work. Sufficient care shall be taken in the design and execution of all work, including any demolition and the preparation to ensure that no damage is incurred to the historic fabric of the building. Particular attention is drawn to the need to protect internal timber panelling, skirtings, architraves, cornices, fireplaces, timber floors and the staircase from damage during construction.

Reason: *To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building*

SCHEDULE OF WINDOW REPLACEMENTS

No works shall commence until a details of rear Upvc windows to be replaced and the details of the timber windows to replace them has been submitted to and approved in writing by the local planning authority. Works to the listed building shall be carried out in accordance with the approved details and shall be completed before any building hereby approved is first occupied.

Reason: *To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building*

CUTTING OF TIMBERS

Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no timber panels or structural timbers may be cut, replaced or removed in whole or in part without the written approval of the local planning authority. This includes the chasing of timbers to facilitate service runs.

DETAILS - RETENTION OF INTERNAL DOORS

Details of the method of retaining the existing doors and architraves and fixing them shut so that they are reversible are to be submitted to and approved in writing by the local planning authority prior to commencement of related work.

Reason: To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building

DETAILED METHOD STATEMENT

No work including preparatory or demolition work shall be carried out prior to the submission to and approval in writing by the local planning authority of a method statement detailing how the new internal bathrooms will be constructed in order to preserve the existing decorative timber panelling behind them. This shall include all work required to meet Building Regulations where applicable. All work shall be carried out in strict accordance with the approved document(s) unless otherwise agreed in writing with the local planning authority.

Reason: To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building

DETAILS OF PARTITIONS

Details of the proposed internal partition walls including details of the method of construction are to be submitted to, and approved in writing by, the local planning authority prior to commencement of related work. The new internal partition walls shall be constructed of timber studwork and shall be fully reversible.

Reason: To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building.

DETAILS - SERVICES

Details of the type and location of any new services including pipework, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting, or soil vent pipe terminations, are to be submitted to and approved in writing by the local planning authority prior to commencement of related work.

Reason: To accord with Reading Policy CS33 and to protect the special architectural or historic interest of the listed building

Follow up response (received on 13/09/18) following the submission of more information in on 29/08/18:

As above, with the exception of the following amendments/additions:

Basement

The basement is a brick vaulted structure. Proposed addition of new internal walls to separate into 8 separate storage areas. No major alterations affecting the basements significance.

Flat 1

The proposals consist of conversion of right-hand room into Flat 1. The front reception room would form a living area with a kitchen area located adjacent to the rear of the central chimneybreast (blocked-up). Changes will involve new partition walls, removal of one modern and door and reinstatement of panelling and fixing shut of an historic door.

The front and rear reception rooms are currently sub-divided by wall which originally contained doorways through the timber panelling which are to be re-opened.

The rear room has been heavily modernised and does not retain features of architectural interest. The sub-division of the rear rooms into two bedrooms and bathroom, would therefore be considered acceptable.

Flat 2

The front and rear rooms forming Flat 2 are the primary reception rooms and retain many features of architectural and historic interest such as cornices, windows and shutters and fireplaces, which require preservation.

Flat 2 has been amended to be considered as a single bedroom flat room with the two historic reception rooms forming a one-bedroom flat. One historic doorway to the proposed bedroom would be fixed shut.

The rear room would form a living area with new partition walls forming the bathroom and kitchen with new access. The proposed bathroom and kitchen area within this main rear reception room is likely to have an adverse effect on the rooms surviving cornicing and panelling.

First Floor

Alterations to the main landing area have been amended to eliminate any need for the re-configuration of doorways and lobbies.

Flat 3

Main works would include the new partitions for the kitchen and bathroom and fixing shut of two historic doors.

Flat 4

Main works would include the new partitions for the kitchen and bathroom and fixing shut of two historic doors.

As previously recommended the existing entrance from the landing into the proposed living area is retained and used as main access with the doorway to link to the proposed bedroom fixed shut.

Flat 5

As recommend, the odd arrangement of the proposed kitchen around the front of the chimney breast has been removed. However, it is not clear where the bedroom would be for Flat 5 [officer note: it is a studio unit, so would be positioned in any part of the space].

Second Floor

General

There are fewer features of architectural or historic interest at this level. Although the timber panelling around the surviving chimney should be preserved.

A new lobby area would be created to the top of the stairs, which is not an area of special interest.

Flat 7

Flat 7 the proposed kitchen has been moved away from the front of the chimney breast, which is likely to cause damage to the chimney breast in the long-term.

Discussion

In general, the proposals consist of:

- there are no changes proposed to front elevation or to the impressive entrance hall and main staircase. Works to the rear are confined to new opening for vents which would avoid the brick arches and other detailing;
- no works to the roof are proposed apart from the addition of vent terminals avoiding the slates roofs and confined to the flat areas between. Vertical channels for drainage and flues are required within the building, terminating within the areas at roof height;
- the existing sliding sashes to front and rear are to be retained and the twentieth century windows are to be replaced including a number of uPVC windows as timber double glazed units in order to provide a heritage benefit for the building;
- heating would be via radiators; and
- apart from alterations to the upvc windows, the works to the rear are confined to new opening for vents;

Conclusions

It should be noted that buildings included in the statutory list are graded to reflect their relative architectural and historic interest (Principles of selection, DCMS, 2010, para 7) and No 73 is Grade II* listed. Whilst all Listed Buildings have the same statutory protection, Grade II* Listed Buildings are defined as particularly important buildings of more than special interest (ibid).

There are no objections to the conversion of the building to residential use, which is more similar to the original historic function of the building than the current business use. However, re-configuration of the building to form separate flats will result in some less than substantial harm to the significance of the property which requires justification. The amended scheme has addressed most of the earlier objections to the scheme. There are therefore no objections in principle to the proposals subject to the following conditions:

COMMENCEMENT OF WORKS - TIME LIMIT
 SCHEDULE OF REMOVALS
 PROTECTION AND SUPPORT
 SCHEDULE OF WINDOW REPLACEMENTS
 CUTTING OF TIMBERS
 DETAILS - RETENTION OF INTERNAL DOORS
 DETAILED METHOD STATEMENT
 DETAILS OF PARTITIONS
 DETAILS - SERVICES

(all as previously requested above)

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 (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.

8. Relevant Planning Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy, Sites and Detailed Policies Document and Central Area Action Plan) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Accordingly, the National Planning Policy Framework (2018), Planning Practice Guidance (2014 onwards) and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough LDF Core Strategy (Adopted January 2008) (Altered 2015)

- CS1 Sustainable Construction and Design
- CS2 Waste Minimisation
- CS4 Accessibility and the Intensity of Development
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS11 Use of Employment Land for Alternative Uses
- CS14 Provision of Housing
- CS15 Location, Accessibility, Density and Housing Mix
- CS20 Implementation of The Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS29 Provision of Open Space
- CS33 Protection and Enhancement of the Historic Environment
- CS34 Pollution and Water Resources

Sites and Detailed Policies Document - (Adopted October 2012) (Altered 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaption to Climate Change
- DM4 Safeguarding Amenity
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- DM12 Access, Traffic and Highway-Related Matters
- DM19 Air Quality

Reading Centre Area Action Plan 2009

- RC5 Design in the Centre
- RC9 Living in the Centre

Supplementary Planning Documents & other relevant documents/guidance

- Affordable Housing SPD (2013)
- Revised Parking Standards and Design SPD (2011)
- Sustainable Design and Construction SPD (2011)
- Market Place / London Street Conservation Area Statement

DCLG Technical housing standards - nationally described space standard (2015)
Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015a)
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015b).

9. Appraisal

The main issues are:

- a) Principle of development - land use matters
- b) Design, heritage assets and impact on the character and appearance of the surrounding area
- c) Amenity - for future occupiers and impact on neighbours
- d) Transport Issues
- e) Affordable housing
- f) Other matters - Sustainability, Air Quality, CIL and pre-commencement conditions correspondence

- a) Principle of development - land use matters

9.1 It is considered that Policy CS11 (Use of Employment Land for Alternative Uses) is relevant to the proposals. The site is outside of a Core Employment Area and therefore a loss of employment (in this case office) use would be appropriate, subject to consideration of the criteria set out in the policy. In this instance, more information has been submitted during the course of the application, following initial officer feedback that the justification provided was insufficient (when also considered within the context of the original Historic England response). In short, following the submission of more information during the application the proposals are considered to have demonstrated compliance with the CS11 criteria, while also including commentary from local agents, Haslams regarding the commercial difficulties in seeking alternative employment or single dwellinghouse use at the site. It is also noted that Historic England accept that flats are likely to be the least harmful commercially viable use for this building that is possible at present.

9.2 Furthermore, it is noted that paragraph 121 of the NPPF 2018 states:

Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;

9.3 On the basis of the information submitted by the applicant, together with the prevailing national policy context, it is considered that a change of use away from employment use has been justified in this instance, in accordance with Policy CS11.

9.4 Given the loss of the existing use is considered appropriate, it is considered that the principle of providing a residential use at the site is acceptable. This aligns with the broad objectives of Policy CS14, in assisting in meeting the annual housing targets.

9.5 Following on from this, the mix of providing 1x studio, 4x1 & 3x2-bed flats means that the proposal will provide a variety of flat sizes to serve a range of household types. The overall size of the scheme (8 units) means that housing mix stipulations do not apply in this instance; in any event a suitable mix is shown to be proposed in this case.

b) Design, heritage assets and impact on the character of the surrounding area

9.6 As witnessed and discussed during the officer site visit, the proposals have been carefully considered from a heritage perspective, by both the Council's Historic Buildings Consultant and Historic England. As outlined in section 6 above, Historic England raised a number of concerns with the extent of the works proposed (as did the Council's Historic Buildings Consultant) and raised wider concerns about the intended use, seeking for the applicant to explore other uses which would have required fewer works to the building. The applicant was provided with an opportunity to respond to the initial comments, which it did with the submission of revised plans and further justification / responses to all points made by Historic England. Accordingly the proposals were re-appraised by both the Council's Historic Buildings Consultant and Historic England.

9.7 The Council's Historic Buildings Consultant, as detailed in full in section 6 above, is now content (in line with the national and local policy context, as detailed in full in section 6 above) with the proposals subject to a number of conditions, which have all been discussed and considered appropriate by the applicant. Historic England, whilst acknowledging in its further response that contention that the revised layouts are the least harmful way of practically converting this building into flats, continues to have concerns regarding the application on heritage grounds. This appears to be primarily owing to matters which the RBC Historic Buildings Consultant considers can be secured via condition, Historic England consider should be detailed at application stage (as they have the potential to seriously affect the significance of a highly graded listed building and "that there will inevitably be much less scrutiny of conditions and there is no guarantee that the discharge of any conditions attached to a granted consent would be overseen by a conservation specialist, particularly as Reading has no full-time conservation officer"). To clarify, the LPA refute comments by Historic England that approval of details applications are less scrutinised than application; all applications are considered in detail. Furthermore, it is confirmed that the future discharge of conditions applications will be assessed by RBC's Historic Building Consultant (as are all others for each LBC approval of details application). Accordingly, officers are satisfied that the proposals are appropriate in relation to national legislation/policy (most pertinently section 16 (2) of the Act and paragraph 193 of the NPPF) and local policy (predominantly policies CS7, CS33 and RC5), subject to conditions which shall ensure the Asset's conservation. An informative will be included on the decision notice detailing that Historic England will be formally consulted at the discharge of condition stage on all listed building-related matters.

c) Amenity - for future occupiers and impact on neighbours

9.8 For future occupiers, it is considered that the layout of the proposed residential units are suitable in size and shape to provide an appropriate standard of accommodation, given the constraints of the nature of the proposals, site and (listed) building. Although some of the rooms do not follow a standard shape/size, this is owing to the

listed nature of the building and therefore compromises are considered inevitable/acceptable. In the vast majority of instances the stacking of rooms between floors is consistent, with living spaces to the front and bedrooms to the rear of the building. A welcome benefit is the provision of dedicated storage space at basement level, which is considered to make the best possible use of this space. It is also noted that another shortfall of the proposals is the non-provision of external amenity space for future occupiers (albeit semi-private areas are shown for the ground floor occupiers - admittedly these are not of a size/nature which constitutes conventional or particularly usable external space). However, the existing site constraints are such that, on balance, this is considered appropriate in this instance in this central area location.

- 9.9 It is acknowledged that access to the residential units will be difficult for some, given the steps up to the ground floor entrance, prior to further steps to the upper floor flat units. However, with the withdrawal of lifetime homes standards in 2015, together with the listed nature of the building and conversion nature of the proposal, these acknowledged shortfalls are not considered sufficient to warrant a sustainable reason for refusal of the application. In terms of waste storage, this is provided at ground floor level and therefore welcomed in principle. Cycle parking is provided at basement level, which isn't ideal from an access perspective, but on this occasion is considered adequate. Compliance conditions are recommended to ensure the waste and cycle facilities are provided.
- 9.10 In terms of noise and disturbance, as per the RBC Environmental Protection observations at section 6 above, a pre-commencement noise assessment condition will be secured in the absence of a noise assessment at application stage. This is required owing to the busy nature of London Street, coupled with the neighbouring private function hall use (albeit residential uses were approved in 2016 and have been implemented on the upper floors of this building fronting London Street). Therefore, in overall terms and in applying a critical planning balance to the consideration of the scheme as a whole, the units are considered to provide an overall suitable standard of accommodation, in line with policies CS34, DM4 and RC9.
- 9.11 In terms of the impact of the proposed development on existing neighbouring occupiers, based on the officer site visit, it is not considered that the proposed change of use in itself would cause any significant adverse amenity impacts for neighbouring and nearby occupiers. This is in terms of overlooking, outlook, sense of enclosure, daylight/sunlight and overshadowing matters. This includes overlooking between future separate occupiers, with the layouts proposed minimising this. Given the lack of external amenity space, no harmful noise/dust/disturbance impacts are anticipated at the site. As such, the proposals are considered to comply with policy DM4.

d) Transport Issues

- 9.12 As per section 6a above, the proposals are considered acceptable in relation to all transport related matters, subject to a number of conditions (all of those recommended will be secured).

e) Affordable housing

- 9.13 In line with the application of Policy DM6, given the proposal involves change of use of fewer than 10 units, it is not liable to make a contribution to affordable housing. The full context is as follows:

West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit.

The High Court handed down its judgment on the case on 31st July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG. The Secretary of State appealed the judgment and the Court of Appeal has now quashed the decision of the High Court.

Reading Borough Council has been considering its options for implementing its affordable housing policy in the light of this decision.

At its meeting of the Strategic Environment Planning and Transport Committee on 13th July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (the report can be found here:

http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf
).

Having considered its options, the Committee agreed the following as the basis for determining planning applications where Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

- 9.14 Given the application of policy DM6, a contribution to affordable housing is not required in this specific instance. Accordingly, no s106 legal agreement is required either.

f) Other matters - Sustainability, Air Quality, CIL & conditions

- 9.15 Sustainability - Given the nature of the proposals a sustainability statement, incorporating a BREEAM domestic refurbishment pre-assessment, should have been submitted with the application, to demonstrate how the proposals would seek to comply with policy CS1 and SPD requirements. Although the applicant included a sustainability statement, this is of a general nature (e.g. outlining the intention for the building to be naturally ventilated), rather than specifying specific measures or including a BREEAM domestic refurbishment pre-assessment. Given that no substantial details have been submitted it is therefore considered necessary to secure the standard two-part sustainability condition. The first, a pre-commencement condition, seeks a final design stage assessment and certificate to demonstrate that the units would achieve the required 'very good' rating. The second element, secured prior to first occupation, will secure final BREEAM domestic refurbishment certificate of compliance with the 'very good' rating.

- 9.16 Officers acknowledge that there may be inherent difficulties incorporating substantial sustainability improvements within a scheme such as this, primarily owing to it

predominantly involving the change of use of an existing building, with the grade II* listing likely to be a further substantial constraint. As such, should there be shortfalls in the subsequent discharge of condition submissions (i.e. not in line with the wording of the condition), mitigating factors will be taken into account by officers when subsequently assessing such matters (i.e. a flexible approach to the stipulations of the BREEAM rating will be able to be applied by officers in the event that justifiable reasons for any shortfalls are put forward for consideration by the applicant). As such, the conditions are considered to be necessary in this case (and pass the other tests of a condition too), but a degree of flexibility will be able to be applied by officers (if justified) in the future at the discharge of conditions stage.

- 9.17 Air Quality - Although the application site is located within an air quality management area and that residential is classified as a 'sensitive use' (DM19ii), Environmental Protection colleagues have raised no issues with the proposals from this perspective, owing to the specific location of the site.
- 9.18 CIL - The applicant has submitted CIL liability information. Based on this, and as witnessed during the officer site visit on 19/07/18, the building is still in active use. On this basis, the proposal will not be CIL liable and this will be specified via the standard CIL informative on the decision notice.
- 9.19 Pre-commencement conditions - In line with section 100ZA(5) of the Town and Country Planning Act (as amended) discussions have been undertaken with the applicant regarding pre-commencement conditions. The applicant formally agreed to pre-commencement conditions relating to a construction method statement, noise assessment and BREEAM certificate via return email on 11/10/18. Previously, on 02/10/18, the applicant also agreed to the various listed building consent conditions recommended by the Historic Buildings Consultant.
- 9.20 **Conclusion**
It is considered that the proposals are acceptable for the reasons set out in this report.

10. RECOMMENDATION:

Grant Planning Permission subject to conditions.

Grant Listed Building Consent subject to conditions.

11. Conditions

180758/FUL

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

Reason: To prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall not be carried out other than in accordance with the following drawings:

002 Rev P2 - Block Plan, as received 10/05/18
003 Rev P8 - Ground Floor, as received 29/08/18
004 Rev P8 - First Floor, as received 29/08/18
005 Rev P8 - Second Floor, as received 29/08/18
006 Rev P6 - Roof Plan, as received 10/05/18
007 Rev P8 - Basement Floor Plans, as received 29/08/18
016 Rev P1 - Proposed Vent Terminal Locations & Section AA, as received 29/08/18

Reason: To clarify which drawings have been approved and in the interests of proper planning.

3. * No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority to provide for:
 - a) space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided
 - b) location on site for storage of plant and materials used in constructing the development
 - c) the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site
 - d) any footpath closures or road closures needed during construction
 - e) wheel washing facilities on site
 - f) a scheme for recycling waste resulting from the construction works

The measures within the approved Construction Method Statement shall be maintained and adhered to throughout the course of the development unless changes are agreed in advance and in writing by the Local Planning Authority.

Reason: in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety, in accordance with Policies CS20 and CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

4. The dwellings hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the approved plan. The space(s) shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users, in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document Policy 2012 (Altered 2015).

5. No dwelling hereby permitted shall be occupied until the bicycle parking facility for that dwelling has been provided in accordance with the approved plan (003 Rev P8 - Ground Floor, as received 29/08/18). The facility shall be kept available for bicycle parking at all times thereafter.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with policies CS23 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

6. No dwelling shall be occupied until the bin storage facilities shown on the approved plans (003 Rev P8 - Ground Floor, as received 29/08/18 & 007 Rev P8 - Basement Floor Plans, as received 29/08/18) have been provided and the bin storage facility shall be retained thereafter for use by occupiers of the dwelling/building at all times.

Reason: To ensure that sufficient provision is made for the storage and collection of refuse and recyclables and to safeguard the amenity (including visual amenity) of existing nearby / future occupiers / road users from potential disturbance and/or smells and highway safety, in accordance with Policies CS2 and CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

7. No residential unit hereby approved shall be occupied until the Council has been notified in writing of the full postal address of the unit. The notification shall be sent to the Council's Planning Manager quoting the application reference specified on this Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document Policy 2012 (Altered 2015).

8. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit(s) hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

Reason: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area, in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

9. * No development shall take place until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014. Where opening windows will lead to an internal noise level

increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing, and retained thereafter.

Reason: To protect the amenity of future occupants of the proposed development in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

10. * No development shall take place until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Domestic Refurbishment Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and receipt acknowledged in writing by the Local Planning Authority.

Reason: To ensure that the development contributes adequately towards environmental sustainability, in accordance with 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).

11. No development shall be occupied until a copy of a Final BREEAM Certificate in accordance with the BREEAM Domestic Refurbishment Sustainability Standard following a post-construction stage review carried out by a licensed assessor has been submitted to and receipt acknowledged in writing by the Local Planning Authority, demonstrating that the development has attained as a minimum the standard set out in the Interim BREEAM Certificate referred to in the above condition.

Reason: To ensure that the development contributes adequately towards environmental sustainability, in accordance with 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).

12. No habitable accommodation shall be provided at basement floor level and instead this floor of the building shall only be used for ancillary storage facilities, as shown on approved plan 007 Rev P8 - Basement Floor Plans, as received 29/08/18.

Reason: To safeguard the amenity of future occupiers from potential accommodation which would cause significant detrimental impacts owing to a lack of access to daylight and sunlight, outlook and natural ventilation, in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Informatives

1. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.

2. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.
3. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

There should be no burning of waste on the site. For further information about construction and demolition nuisance law please refer to the Environmental Health section of the Council's website.

4. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.
5. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the agreed extended timescale for the decision to be issued.
6. In accordance with Article 35 (DMPO 2015) some conditions have been highlighted with a * to make clear that they require approval from the Local Planning Authority before any development begins. This is because the details need to be designed or works implemented before any other works start on the site or are of a nature that it would be impractical to consider after work has started.
7. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
8. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. CIL is a way of securing financial contributions towards infrastructure from new development, and partially replaces the Section 106 planning obligation regime. It is a set charge per sq m of floorspace for different uses, and, unlike Section 106, it is non-negotiable. It applies to developments which result in at least one dwelling; where the space has not been in lawful use for 6 months within the last 3 years or 100 sq m of new floorspace. For this approved development the CIL status is NIL CHARGE.

180875/LBC

1. The works to which this consent relate shall be begun not later than the expiration of three years from the date of this consent.

Reason: in accordance with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The consent relates only to the following plans/drawings/documents, and the works hereby approved shall be carried out in all respects in accordance with the submitted application and accompanying drawings:

001 Rev P2 - Site Location Plan, as received 10/05/18

002 Rev P2 - Block Plan, as received 10/05/18

003 Rev P8 - Ground Floor, as received 29/08/18

004 Rev P8 - First Floor, as received 29/08/18

005 Rev P8 - Second Floor, as received 29/08/18

006 Rev P6 - Roof Plan, as received 10/05/18

007 Rev P8 - Basement Floor Plans, as received 29/08/18

008 Rev P2 - Existing Elevations, as received 10/05/18

016 Rev P1 - Proposed Vent Terminal Locations & Section AA, as received 29/08/18

Heritage Impact Assessment Rev P4 (including Appendix A, B & C) by Hives Architects, as received 29/08/18

Reason: This is to ensure that the works carried out are fully in accordance with the approved drawings and details in order to protect the special historic and architectural character of the listed building, in accordance with Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

3. No works shall commence until details of the following are submitted to and approved in writing by the Council:
 - a) detailed schedule of all those parts of the building to be removed, dismantled or stripped out (including the removal of internal features, floors, and wall or ceiling surfaces)
 - b) a method statement detailing how the new internal bathrooms will be constructed in order to preserve the existing decorative timber panelling behind them. This shall include all work required to meet Building Regulations where applicable.

The development shall not be carried out other than in full accordance with the approved details.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

4. No works shall commence until details of the rear Upvc windows to be replaced and the details of the timber windows to replace them have been submitted to and approved in writing by the local planning authority. Works to the listed building shall be carried out in accordance with the approved details and shall be completed before any residential unit hereby approved is first occupied.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

5. Prior to commencement of the relevant part of the works, details of the following shall be submitted to and approved in writing by the Council:
 - a) proposed internal partition walls (to be constructed of timber studwork and to be fully reversible) including details of the method of construction;
 - b) type and location of any new services including pipework, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting, or soil vent pipe terminations;
 - c) the method of retaining the existing doors and architraves and fixing them shut (where shown) so that they are reversible.

The development shall not be carried out other than in full accordance with the approved details.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

6. Adequate protection to the building shall be provided to the satisfaction of the local planning authority at all times during the approved work. Sufficient care shall be taken in the design and execution of all work, including any demolition and the preparation to ensure that no damage is incurred to the historic fabric of the building. Particular attention is drawn to the need to protect internal timber panelling, skirtings, architraves, cornices, fireplaces, timber floors and the staircase from damage during construction.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

7. Unless such work is clearly and specifically referred to on drawings or other documents hereby approved, no timber panels or structural timbers may be cut, replaced or removed in whole or in part without the written approval of the local planning authority. This includes the chasing of timbers to facilitate service runs.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

Informatives:

1. Officers have worked positively and proactively with the applicant to determine the application within the agreed timeframes in conjunction with the associated application for full planning permission.
2. For the avoidance of doubt, no other works are approved except those as authorised by this Consent. Any other works required to the Listed Building may require a separate application for Listed Building Consent and/or an application for Permitted Works to a Listed Building.

3. The applicant is advised that Historic England will be formally consulted by the local planning authority when future approval of details applications are submitted which seek to discharge conditions relating to this listed building consent.