

DELEGATED APPLICATION REPORT

Address: Kendrick Girls School, 41-43 London Road, Reading

Application No: 180993

Proposal: Various internal and external works to Sidmouth House, including replacement: roof tiles, fascias, soffit boards, rainwater goods; and repairs to: timber sliding sash windows, render, brickwork, re- pointing, redecoration of previously painted surfaces and associated works.

Applicant: Kendrick School

Date received (valid from): 07/06/18

Target Decision date: 02/08/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

The application site comprises Kendrick School, a secondary school and sixth form for girls. The school is located on a constricted site and is bounded by South Street to the north, Sidmouth Street to the east, London Road to the south and East Street to the west. This application relates solely to the Grade II listed Sidmouth House, which can be accessed from London Road (close to the junction with Kendrick Road). Sidmouth House is located within Kendrick Road Conservation Area, with Market Place/London Street Conservation Area being 85m to the east (and further Grade II listed buildings are between the two - 33&35, The Cedars and Kendrick View). The site is also located within an air quality management area.

The listing description in full is:

No 41 (Kendrick Girls' School) Including street wall extending to east and turning into Sidmouth Street SU 7272 9/511 II GV 2. Early-mid C19. Large imposing red brick detached house, altered. 3 storeys and basement. Moulded string to ground floor level and at 1st floor cill level, deep flat eaves, slate hipped roof. 4 ranges of glazing bar sash windows to upper floors, 3 on ground floor with large central later projecting porch with steps, arched entrance, coffered vault and double doors with fan (all of later period). Later set back 2 storey 1 window extension to left with arched doorway (stone surround) on ground floor and modillion cornice over. Full height shallow bow with tripartite ground floor windows to right hand return. Small single storey lodge to south-west with hipped roof. Later brick street wall with moulded stone plinth and cope and tall moulded stone capped piers at intervals. Rear altered: 2 storey projecting wing to north-west with rounded corner. Street wall continued to Sidmouth Street about 5-6 ft red brick about 2 perches long and turning corner.

Listing NGR: SU7206272974

2. The Proposal

- i. Listed Building Consent is sought for various internal and external works to Sidmouth House, including replacement: roof tiles, fascias, soffit boards, rainwater goods; and repairs to: timber sliding sash windows, render, brickwork, re-pointing, redecoration of previously painted surfaces and associated works.
- ii. The applicant has submitted a tender version schedule of works and a series of existing photographs with the proposals.

- iii. During the course of the application the site location plan was corrected (it originally depicted a blue line around Sidmouth House and a red line around the wider site - this was reversed during the application, so the red line was around Sidmouth House).

3. Public Consultation

- i. A site notice was erected on London Road on 18/06/2018, expiring on 09/07/2018. A press notice was published on 28/06/18, expiring on 19/07/18. No responses have been received.
- ii. Reading CAAC was formally consulted on 18/06/18. No response has been received.

4. Internal consultation responses

Historic Buildings Consultant -

Legislative and Planning Policy Framework

Planning (Listed Buildings and Conservation Areas) Act 1990

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.’

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, 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.

Legal Precedents: Setting of Listed Buildings

Well-established case law in relation to the setting of Listed Buildings has established that, whilst the terminology regarding ‘significance’ and the levels of harm outlined in the NPPF are relevant, there is also a statutory requirement specified in the Planning (Listed Buildings and Conservation Areas) Act 1990 under Section 66(1) which states that ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting.....’.

In the case (2014) of East Northamptonshire District Council v. Secretary of State for Communities and Local Government (known as the ‘Barnwell Manor’ case) 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(s).

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).

Reading Borough Council Planning Policy

Reading Borough Council Core Strategy 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 para. 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..."

Policy CS7: Design and the Public Realm relates to the general design of development within the borough and requires that:

All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. This can be achieved through the layout, landscape, density and mix, scale and architectural detailing and materials. The policy notes that development will also be assessed to ensure that they respond positively to their local context and create or reinforce local character and distinctiveness, including protecting and enhancing the historic environment of the Borough.

National Planning Policy Framework

National Planning Policy Framework - On 24 July 2018 the revised National Planning Policy Framework (NPPF) replaced the NPPF published in March 2012 (which itself replaced the National Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)). The revised NPPF continues to have a presumption in favour of sustainable development and a key dimension of 'sustainability' is defined as '...protecting and enhancing our...historic environment' (2018, para 8).

The NPPF identifies heritage assets as: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing). (Annex 2, Glossary 2018)

Paragraphs 193-4 state: 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. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 195 states that: 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, requires any 'less than substantial harm to the significance of a designated heritage asset' to be 'weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

All heritage assets have a setting. 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.

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 'What is the setting of a heritage asset and how should it be taken into account?' that:

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.

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 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 England Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management (Historic England, 2016);
- 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); and
- Historic England Good Practice Advice in Planning Note 4: Tall Buildings (Historic England, 2015c).

Listed Building Description

No 41 (Kendrick Girls' School) Including street wall extending to east and turning into Sidmouth Street SU 7272 9/511 II GV 2. Early-mid C19. Large imposing red brick detached house, altered. 3 storeys and basement. Moulded string to ground floor level and at 1st floor cill level, deep flat eaves, slate hipped roof. 4 ranges of glazing bar sash windows to upper floors, 3 on ground floor with large central later projecting porch with steps, arched entrance, coered vault and double doors with fan (all of later period). Later set back 2 storey 1 window extension to le with arched doorway (stone surround) on ground floor and modillion cornice over. Full height shallow bow with tripartite ground floor windows to right hand return. Small single storey lodge to south-west with hipped roof. Later brick street wall with moulded stone plinth and cope and tall moulded stone capped piers at intervals. Rear altered: 2 storey projecting wing to north-west with rounded corner. Street wall continued to Sidmouth Street about 5-6 red brick about 2 perches long and turning corner

Proposals

The proposed works include:

- Repair and redecoration of existing timber windows and doors
- Repairs to brickwork, render and pointing
- Redecoration of previously painted surfaces
- Isolated roof tile replacements to match existing
- Replacement of roofline goods to match existing

Discussion

The proposed window repairs would consist of overhauling the existing traditional timber, single glazed sliding sash, windows and re-painting in white paint with any defective timber repaired including conservation joints, surface fill, resin repairs and timber splice repairs to match the existing.

The proposed brick replacement and re-pointing works would consist of using red clay bricks and lime mortar to replace areas of brickwork which have either spalled, become loose or cracked.

The proposed render repairs to the existing lime render would be matched and render is finished in white paint.

The proposed replacement of roofline goods would consist of replacing the existing timber and cast iron gutters/downpipes. The cast iron downpipes are finished in external white paint would be replaced to match existing.

The proposed internal works would consist largely of internal plaster repairs and re-decoration of defective areas of the existing plaster walls.

The replacement of existing internal floor coverings and vinyl sheeting would not require LBC.

Recommendations

The building requires on-going maintenance and repairs to keep the building in a weathertight condition and ensure its conservation. The proposed works are largely repairs and required in order to ensure the long-term maintenance of the Listed Building; the works are therefore fully supported subject to the following conditions:

CONDITIONS FOR SUBMISSION OF FURTHER DETAILS

The following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a). Sample of the matching brick(s) to be used in repairs of brickwork;
- b). Sample of the matching roof tiles to be used in repairs of roof;
- c). The manufacturers specification for the replacement downpipe and gutters

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special character and appearance of the Conservation Area in accordance with the requirements of policy

POINTING MIX

No related works may be undertaken until details of the mortar mix for repairs and re-pointing has been submitted to and approved in writing by the local planning authority.

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

5. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the following documents:

Location Plan T 01, as received 26/07/18

Design, Assess and Heritage Statement - Sidmouth House Refurbishment by Baily Garner Ref 30398, dated 31/05/18, as received 07/06/18

Kendrick School Sidmouth House Refurbishment tender version, as received 18/06/18

Historic England list entry, as received 07/06/18

6. Relevant History

There have been multiple planning/listed applications at the site; none of which are considered to be explicitly relevant to the determination of this application.

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 Guidance

- i. 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. The Development Plan for Reading relevant to the application site comprises the Reading Local Development Framework '*Core Strategy*' 2008 (Altered 2015), *Reading Central Area Action Plan 2009* and '*Sites and Detailed Policies Document*' 2012 (Altered 2015).
- ii. 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.
- iii. 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.
- iv. The '*National Planning Policy framework*' ('NPPF') 2012 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) 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 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

Relevant Policies

- i. The application has been assessed against the following policies:

National

National Planning Policy Framework 2018;
National Planning Policy Guidance 2014 - ;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS33 Protection and Enhancement of the Historic Environment

Other guidance

Kendrick Road Conservation Area Appraisal

9. Appraisal

- i. The LPA's Historic Buildings Consultant is content with the proposed works from the perspective of them not causing harm to the listed building. In-fact, they are fully supported subject to more details of the bricks, tiles, downpipes, gutters and mortar mix being secured via condition. This is outlined in full in section 4 above.

10. Conclusion

- i. Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting listed building consent subject to conditions.

Recommendation

Grant Listed Building Consent subject to conditions

Conditions:

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 and documents:

Location Plan T 01, as received 26/07/18

Design, Assess and Heritage Statement - Sidmouth House Refurbishment by Baily Garner Ref 30398, dated 31/05/18, as received 07/06/18

Kendrick School Sidmouth House Refurbishment tender version, as received 18/06/18

Reason: 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. Prior to the commencement of the relevant part of the works, details of the following shall be submitted to and approved in writing by the local planning authority:

- a) Sample of the matching brick(s) to be used in repairs of brickwork;
- b) Sample of the matching roof tiles to be used in repairs of roof;
- c) The manufacturers specification for the replacement downpipe and gutters

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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 related works may be undertaken until details of the mortar mix for repairs and re-pointing has been submitted to and approved in writing by the local planning authority. The works shall not be carried out otherwise than in accordance with the details thus approved.

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. Approved works may require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
2. Officers have worked positively and proactively with the applicant to determine the application within the statutory timeframes for determining such applications.
3. 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.