

DELEGATED APPLICATION REPORT

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

Application No's: a) 240427/NMA b) 240598/VARIAT (to a listed building consent)

Proposal: a) Non-material amendments to permission 180758 (granted on 12/10/18 for conversion to 8 residential units) to alter the wording of conditions 2 (approved plans), 6 (bin storage) and 12 (habitable accommodation) to incorporate revised plans detailing internal layout changes to account for fire regulations (sought retrospectively)

b) Variation of condition 2 (approved plans) of listed building consent 180875 (granted on 12/10/2018 for various internal and external works associated with conversion of an existing office building to 8 flats) for internal and external alterations, including revisions for internal layout changes to account for fire regulations (sought retrospectively)

Applicant: Westway Construction

Date received (valid from): a) 04/04/2024 b) 13/05/2024

Target Decision date: a) Originally 02/05/2024, but an extension of time was agreed until 08/07/2024, b) 08/07/2024

Case officer: Jonathan Markwell

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 was most recently in office use, but has been vacant and works are currently taking place to implement permission 180758. The site also contains 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, 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 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.

2. The Proposal

- 2.1 Two inter-related applications are proposed, first seeking non-material amendments to planning permission 180758 (hereafter 'Application A') and secondly a variation of condition application related to the associated approved plans as part of the corresponding listed building consent at that time (ref 180875) ((hereafter 'Application B').
- 2.2 Considering Application A first, this proposal seeks to:
- Make various non-material amendments to permission 180758 (granted on 12/10/18 for conversion to 8 residential units) to make various internal layout changes to account for the need to adhere to separate fire regulations, which have arisen subsequent to the original permission. These changes have been specified within a supporting heritage statement submitted during the course of the application.
 - To facilitate this, this involves altering the wording of condition 2 (approved plans), so that the latest proposed plans are referenced in the condition.
 - Furthermore, conditions 6 (bin storage) and 12 (habitable accommodation) will also be reworded to incorporate the revised plans submitted with the application. To clarify, no actual changes to the bin storage or habitable accommodation at basement floor are actually proposed, but given updated approved plans have been submitted (with the agent explaining that this was required owing to copyright issues from a separate company who produced the original plans) and are referenced in these conditions, the updated plans are subsequently updated too.
- 2.3 Application B seeks to vary condition 2 (approved plans) of the corresponding original listed building consent (ref 180875) for the internal layout changes referenced in Application A, as again required to adhere to fire regulation changes. This is a section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 application.
- 2.4 Prior to the registration of the applications a number of clarifications were sought and further information was provided to clarify the exact nature and extent of the proposed changes, to enable the applications to be assessed in full.
- 2.5 During the course of the application an officer site visit was undertaken on 19/06/2024. This ascertained that the majority of the internal alterations proposed in these applications had already commenced, albeit these works were not completed at the time of the visit. Accordingly, the descriptions of development have been duly altered to reflect the proposals now being sought on a retrospective basis.
- 2.6 It is also relevant to note that there is a separate application for listed building consent under consideration at the site, as per the relevant history below (ref 240516). This application also shows the internal alterations proposed as part of Applications A and B, but also goes further by including more roof level works. This separate application has been considered on its own merits, albeit with acknowledgement of these applications to ensure that a consistent approach is taken by the LPA on all applications. It is intended for all applications to be determined and issued at the same time.

3. Public Consultation

i. Neighbour / Public Consultation

A) No statutory requirement for any for this type of application. No responses have been received.

B) A site notice was erected on 17/05/2024, expiring on 07/06/2024. A press notice was published on 23/05/2024, expiring on 13/06/2024. No responses have been received.

ii. Reading Conservation Area Advisory Committee (CAAC)

A) No statutory requirement for any for this type of application. No responses have been received.

B) Reading CAAC was formally consulted on the application. No response has been received.

4. Internal / External Consultations

i. RBC Conservation Officer:

A) & B): Following an officer site visit on 19/06/2024, all documents and some historical maps and files have been reviewed. Although there is some disappointment surrounding the loss of the original layout of the building (noting that at the time of the original application Historic England raised concerns about fire compartments for example), but in the context of the original permission, the proposed amendments (240427/NMA and 240598/VAR) are minimal, with no objections from the Conservation Officer.

It is also commented, following the officer site visit, that it does not appear that details in respect of condition 5 of listed building consent 180875 (details relating to partition walls, services and doors/architraves) have yet been submitted for approval, but it would appear that works have already commenced in these regards. The trigger point for these details are 'prior to commencement of the relevant parts of works', so these details appear to be overdue. It is also questioned whether condition 7 is being adhered to (cut, replacement or removal of timber panels or structural timbers), given the level of works witnessed on site. An informative is therefore recommended to be added to the decision notice outlining this and strongly advising the applicant to submit details within 1 month of the decision notice, or otherwise officers will have no option but to pass these matters onto Planning Enforcement to investigate.

ii. Historic England:

A) No statutory requirement for any for this type of application. No response have been received.

B) Historic England responded to a formal consultation advising that in this case they are not offering advice. Historic England advise that this should not be interpreted as comment on the merits of the application and that they suggest that RBC should seek the views of our specialist conservation and archaeological advisers.

5. Plans Considered

5.1 The Council, in reaching its recommendation in respect of Application A, has taken into consideration the following:

P-73AH-01 OS Map & Block Plan
Letter from Heritage Fusion 'RE: Variation of Conditions 2 (180758 and 180875)' dated 03/04/24
Application for a Non-Material Amendment Following a Grant of Planning Permission Ref PP-12948569
As received 04/04/2024

Emails from Heritage Fusion 'RE: Addington House, 73 London Street, Reading (240427/NMA)' dated 24/04/2024, 07/05/2024 and 08/05/2024

P-73AH-02 Rev A Approved Plans (basement and ground floor plan)
P-73AH-03 Rev A Approved Plans (first and second floor plan)
P-73AH-04 Rev A Approved Roof Plan & Elevations
P-73AH-05 Rev A Approved Elevations & Section AA

P-73AH-06 Rev A Proposed Plans (first and second floor plan)

P-73AH-07 Rev A Proposed Plan & Elevation (roof plan & elevation)
P-73AH-08 Rev A Proposed Elevations & Section AA
As all received on 07/05/2024

- 5.2 The Council, in reaching its recommendation in respect of Application B, has taken into consideration the following:

P-73AH-02 Rev A Approved Plans (basement and ground floor plan)
P-73AH-03 Rev A Approved Plans (first and second floor plan)
P-73AH-04 Rev A Approved Roof Plan & Elevations
P-73AH-05 Rev A Approved Elevations & Section AA

P-73AH-06 Rev A Proposed Plans (first and second floor plan)
P-73AH-07 Rev A Proposed Plan & Elevation (roof plan & elevation)
P-73AH-08 Rev A Proposed Elevations & Section AA

Letter from Heritage Fusion 'RE: Variation of Conditions 2 (180875) Listed Building Consent' dated 08/05/24

As all received on 08/05/2024

P-73AH-01 OS Map & Block Plan
As received 09/05/2024

Design and Heritage Statement by Heritage Fusion Ref 2094
Application for removal or variation of a condition following grant of planning permission
As received 13/05/2024

6. Relevant Planning History

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.

990923 – Erection of replacement fire escape stair on rear elevation. Granted 18/10/2000.

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.

100529 - Erection of commemorative blue plaque. Granted 15/09/2010.

180758 - Conversion of basement and 3 storey office building to 8 (1x studio, 4x1 & 3x2-bed flats) residential units (Class C3) and associated works. Granted 12/10/2018.

180875 - Internal and external works associated with conversion of an existing office building to 8 flats. Granted Listed Building Consent 12/10/2018.

210702 - Variation of condition 2 (approved plans) and removal of condition 4 (on-site vehicle parking) of planning permission 180758 (conversion to 8 residential units and associated works). Granted 25/06/2021.

211412 - Discharge of conditions 3a (detailed schedule), 3b (method statement) and 4 (timber windows) of listed building consent 180875, as granted 12/10/2018. Conditions discharged 11/10/2021.

211421 - Discharge of conditions 3 (construction method statement), 9 (noise scheme) and 10 (BREEAM) of planning permission 180758, as granted 12/10/2018. The details submitted for conditions 3, 9 and 10 were considered to be acceptable. However, confirmation could not be

taken that the conditions were discharged, as the wording of these conditions required details to be submitted prior to the commencement of the development. In this instance the development was confirmed by the applicant to have commenced before this discharge of condition application had been determined (email from the applicant on 05/01/2022 stated that the planning permission was implemented prior to 12/10/2021). In each instance it was confirmed that on the basis of the information provided there were considered to be no outstanding planning matters in relation to these condition, nor matters of enforcement, providing the development was carried out in accordance with the approved details. Decision issued 05/01/2022.

240516 - Roof repairs and insulation, new automatic opening vent to roof. Current listed building consent application under consideration.

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 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. Application A) Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that, *"In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."*
- ii. Application B) Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

19 Application for variation or discharge of conditions.

- (1) Any person interested in a listed building with respect to which listed building consent has been granted subject to conditions may apply to the local planning authority for the variation or discharge of the conditions.
- (2) The application shall indicate what variation or discharge of conditions is applied for.
- (3) Sections 10 to 15 apply to such an application as they apply to an application for listed building consent.
- (4) On such an application the local planning authority or, as the case may be, the Secretary of State may vary or discharge the conditions attached to the consent, and may add new conditions consequential upon the variation or discharge, as they or he thinks fit.

[F1 (5) But a variation or discharge of conditions under this section must not—

- (a) vary a condition subject to which a consent was granted by extending the time within which the works must be started;
- (b) discharge such a condition.]

9. Relevant Policies

- i. Application A) The proposed amendments are assessed for materiality – not on the basis of their planning merits. Planning policies therefore do not apply.
- ii. Application B):
Reading Borough Local Plan 2019
EN1: Protection and Enhancement of the Historic Environment

Other guidance

Market Place / London Street Conservation Area Appraisal

10. Appraisal

Application A:

A number of changes are proposed as part of this application. It is therefore most appropriate to consider each in turn:

a) Alter the wording of condition 2 (approved plans)

The internal layout changes, required by the applicant to adhere to fire regulations, have been assessed by officers, including the Council's specialist Conservation Officer. In short, no objections are raised with the proposed changes, in the context of the original permission. In addition, it is noted that the officer site visit established that the internal works had commenced on site prior to the determination of the application. However, this has not influenced the assessment of the proposals, which are supported. More specifically, the need to adhere to fire safety regulations will positively assist the quality of accommodation for future occupiers, therefore meaning the amenity of future occupiers will be protected. Given all the proposed changes are internal, no impact on the streetscene or wider conservation area would occur. In overall terms the proposals are therefore supported, with condition 2 re-worded to reference the now proposed plans.

b) Alter the wording of condition 6 (bin storage)

As referenced at section 2 above, some of the plans proposed to be updated in respect of condition 2 (see section a above) is already referenced in condition 6. To ensure consistency, it is therefore sought for the wording of condition 6 to be updated too. It must be noted that the proposed changes themselves do not seek to alter the bin storage intentions, meaning there is no consequential impact on the condition except to update the reference to the latest proposed plans.

c) Alter the wording of condition 12 (habitable accommodation)

As referenced at section 2 above, one of the plans proposed to be updated in respect of condition 2 (see section a above) is already referenced in condition 12. To ensure consistency, it is therefore sought for the wording of condition 12 to be updated too. It must be noted that the proposed changes themselves do not seek to alter the intentions of the condition, meaning there is no consequential impact on the condition except to update the reference to the latest proposed plan.

d) Overall comments

In overall terms, officers are content that the proposed changes are acceptable, in themselves and collectively as part of the original application. In light of this being the first s96a application associated with the original application, there are no cumulative impacts to consider in this instance. The proposed changes will practically assist the development being implemented in accordance with fire regulations, with these changes relating to relatively minor components in the context of the scheme as a whole. The changes are a direct result of needing to adhere to separate fire regulations, which can arise as part of projects of this nature.

Officers also consider that these changes can be made through the non-material amendment procedure. More specifically, it is not considered that the amendments, either individually or cumulatively, will have any material impact on the overall design idiom, neighbour amenities or any other consideration, set within the context of the original permission. This is primarily owing to the context of the overall original scheme and the nature of the surrounding environment, with the proposed changes being of a relatively minor scale and nature in this specific context.

All changes proposed as part of these applications are therefore considered appropriate by officers and suitable to progress through the non-material amendment procedure.

An informative is recommended which states that this agreed NMA relates only to the changes highlighted. It will also be acknowledged that the agreed NMA shall only be read in the context of the substantive full permission, and is bound by all the conditions and obligations attached to the substantive permission. A further informative is recommended which states: In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.

Application B:

As per the conclusion and commentary referenced above in respect of Application A (and specifically it being confirmed at part a) and the 'overall comments' sections above), this is also the case in the corresponding application to vary the accompanying listed building consent approved plans condition too. In short, the same conclusion is reached that the proposed internal changes are acceptable, in the context of Policy EN1 and the original permission, as per specialist officer feedback (see above). Accordingly, the condition can be varied to update the plans to reflect the now proposed internal layouts.

An informative will be added as per the Conservation Officer comments referenced above, seeking for the applicant to submit (now retrospective) details in relation to condition 5, as well as other standard informatives.

11. Conclusion

- i. Application A): The local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved original planning permission.
- ii. Application B): The local planning authority is satisfied that the changes proposed by this application sufficiently protect the significance of the heritage asset and their settings.

Recommendation

A) Grant Non-material amendments

B) Grant variation of condition 2 of listed building consent 180875

12. Conditions:

Application A)

REPLACEMENT CONDITION 2

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

P-73AH-02 Rev A Approved Plans (basement and ground floor plan)

P-73AH-06 Rev A Proposed Plans (first and second floor plan)

P-73AH-07 Rev A Proposed Plan & Elevation (roof plan & elevation)

P-73AH-08 Rev A Proposed Elevations & Section AA

As all received on 07/05/2024

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

REPLACEMENT CONDITION 6

No dwelling shall be occupied until the bin storage facilities shown on the approved

plans (**P-73AH-02 Rev A Approved Plans (basement and ground floor plan)**), as received **07/05/2024**) 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 CC5, CC7, CC8 and TR3 of the Reading Borough Local Plan 2019.

REPLACEMENT CONDITION 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 **P-73AH-02 Rev A Approved Plans (basement and ground floor plan)**, as received **07/05/2024**.

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 CC8 of the Reading Borough Local Plan 2019.

Informatives:

1. This permission relates only to the non-material amendments sought and described above. Furthermore, it shall only be read in the context of the substantive planning permission granted on 12/10/2018 under reference number 180758, and is bound by all the conditions attached to that permission. That permission still stands and this notice (and any other notices issued under section 96a) for this development should be read together.
2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.
3. The Local Planning Authority has worked positively and proactively with the applicant to determine the application under the non-material amendment procedure within the agreed extended timeframes.
4. This application should be read in conjunction with corresponding section 19 application 240598, which seeks to incorporate the same changes proposed through this application, in the context of varying the approved plans condition of the corresponding listed building consent. Furthermore, this decision should also be read in conjunction with separately submitted application 240516/LBC, which seeks to incorporate the same works as approved by this application (and some separate additional roof level works too).

Application B)

VARIED CONDITION 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:

P-73AH-02 Rev A Approved Plans (basement and ground floor plan)
P-73AH-06 Rev A Proposed Plans (first and second floor plan)
P-73AH-07 Rev A Proposed Plan & Elevation (roof plan & elevation)
P-73AH-08 Rev A Proposed Elevations & Section AA
As all received on 07/05/2024

P-73AH-01 OS Map & Block Plan
As received 09/05/2024

Design and Heritage Statement by Heritage Fusion Ref 2094
As received 13/05/2024

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 EN1 of the Reading Borough Local Plan 2019.

Informatives:

1. Following the officer site visit on 19/06/2024, it does not appear that details in respect of condition 5 of listed building consent 180875 (details relating to partition walls, services and doors/architraves) have yet been submitted for approval, but it would appear that works have already commenced in these regards. The trigger point for these details to be submitted and approved is 'prior to commencement of the relevant parts of works', so these details appear to be overdue and outstanding. It is also questioned whether condition 7 is being adhered to (cut, replacement or removal of timber panels or structural timbers), given the level of works witnessed on site. The applicant is therefore strongly advised to submit details within 1 month of this decision notice, or otherwise officers will have no option but to pass these matters onto Planning Enforcement colleagues to investigate. You need to be aware that carrying out unauthorised works to a listed building is a criminal offence and individuals can be prosecuted.
2. Officers have worked positively and proactively with the applicant to determine the application within the statutory timeframes and in conjunction with the associated non-material amendment application (Ref 240427) associated with the original full planning permission (Ref 180758).
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. Furthermore, all other conditions associated with original listed building consent 180875 continue to apply.
4. This application should be read in conjunction with separately submitted application 240516/LBC, which seeks to incorporate the same works as approved by this application (and some separate additional roof level works too).. Furthermore, this application should also be read in conjunction with application 240427/NMA, submitted concurrently and alongside this application.