

DELEGATED PLANNING APPLICATION REPORT

Ward: Abbey

App Ref: 240025/VAR & 240026/LBC

Address: The Sun Ph, 16 Castle Street, Reading, RG1 7RD

Proposals: Single storey rear extension and outdoor seating area improvements including a timber pergola and seating booths and associated works. without complying with condition 2 of planning permission 230709 to amend plans to convert the toilets to a seating area and reinstate the fireplace

Case Officer: Marcie Rejwerska

Date received (valid from): 21 February 2024 **Target Decision date:** 16 May 2024 (ext.)

1. SITE DESCRIPTION

The application site is a two-storey detached medieval inn on the north side of Castle Street within the Reading town centre, which is Grade II listed. The surrounding area is predominately commercial with residential above. The site is within the St Mary's Butts/Castle Street Conservation Area, and Area of Archaeological Potential and the High Street Heritage Action Zone.

The listing reads as follows:

*CASTLE STREET 1. 5128 (North Side) Nos 14 and 16 (Sun Inn) SU 7173 SW 2/71 22.3.57. II GV
2. C17 and older foundations and cellars, altered and modernized. 2 storeys and attic. Stucco over timber-framing. Tiled roof. A picturesque inn with half hipped gable to right of centre. 5 glazing bar sashes on 1st floor (2 in gable which has one small attic window).*

Ground floor has modern square bay bar window to left with balustraded balcony over; architrave surround and flat hood to plank door with wreath knocker, one 3-light window in gable and small door and 1 window to right (No 14). Two 2 storey extensions to rear.

Interior: a considerable amount of exposed timber-framing. A small stone arch in yard called "Norman Arch" and cellars reputed to be remains of Reading Old Gaol.

2. PROPOSAL AND SUPPORTING INFORMATION

The applicant is seeking to vary condition 2 (approved plans) of planning permission 230709 and the corresponding Listed Building Consent under ref. 230710, which granted permission for internal refurbishment, a single storey rear extension and outdoor seating area improvements including a timber pergola and seating booths. More specifically, the proposal includes removal of toilet facilities on the ground floor to be reinstated as part of the seating area, and reinstatement of a fireplace.

Plans considered:

Addendum to Heritage Statement, Forum Heritage Services, dated 21 December 2023, received 10 January 2024

22.123.BB.G. 1500A - Chimney Elevation Detail, dated April 2024, received 24 April 2024

22.123.BB.G. 202B - Proposed Ground Floor, dated October 2023, received 10 January 2024

3. RELEVANT PLANNING HISTORY

930358 - Signage - Application permitted

930585 - Internal and external decoration. New external signage. - Application permitted

120827 - 1 fascia sign, 1 hanging sign, painted signs to flank elevations and external display boards. - Application permitted

230709/FUL & 230710/LBC - Single storey rear extension and outdoor seating area improvements including a timber pergola and seating booths and associated works - Applications permitted

231531 - Application for approval of details reserved by condition 10 (Construction Method Statement) of application 230709 - Condition discharged

231635 - Application for approval of details reserved by condition 4 (Habitat enhancement scheme) of application 230709 - Condition discharged

231847 - Discharge of condition 3 (external and internal materials schedule) relating to planning permission 230710 - Condition discharged

231559 - Application for approval of details reserved by condition 3 - External and internal materials schedule of application 230709 - Condition discharged

231734/ADV & 231735/LBC - Erection of illuminated and non-illuminated signs to the exterior of the building - Applications permitted

4. CONSULTATIONS

Non-statutory:

RBC Conservation Officer - No objections to either proposed works, more information required with regards to materials and methods relating to the fireplace which can be secured by condition.

Public:

The following addresses were consulted by letter.

19 Castle Street, Reading, RG1 7SB

17 Castle Street, Reading, RG1 7SB

St Marys Church, 14 Castle Street, Reading, RG1 7RD

Berkshire Community Service, 18a Castle Street, Reading, RG1 7SD

15 Castle Street, Reading, RG1 7TB

Blue Collar Corner, 15 Hosier Street, Reading, RG1 7QL

No letters of representation received.

5. LEGAL AND PLANNING POLICY CONTEXT

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use

its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible. This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered to include, "any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan. The key issues for consideration comprise the principle of the development whilst having regard to the impact upon the character and appearance of the area, the effects on traffic generation and highway safety, amenity and the natural environment.

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'. The following local and national planning policy and guidance is relevant to this application:

National Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance

BS7913:2013 Guide to the Conservation of Historic Buildings

Conservation Principles, Policies and Guidance [Historic England] 2008

Traditional Windows [Historic England] 2017

Reading Borough Local Plan (2019)

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC5: WASTE MINIMISATION AND STORAGE

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

EN1: PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT

EN2: AREAS OF ARCHAEOLOGICAL SIGNIFICANCE

EN3: ENHANCEMENT OF CONSERVATION AREAS

EN15: AIR QUALITY
EN17: NOISE GENERATING EQUIPMENT
TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS
TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING
RL6: PROTECTION OF LEISURE FACILITIES AND PUBLIC HOUSES
CR2: DESIGN IN CENTRAL READING
CR5: DRINKING ESTABLISHMENTS IN CENTRAL READING

SPD

Revised Parking Standards and Design (2011)

Other Local Documents

St Mary's Butts/Castle Street Conservation Area Appraisal 2008

Reading Historic Area Assessment 2023 [relates to the High Street Heritage Action Zone Area]

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.

APPRAISAL

The proposed works have been assessed on heritage implications alone, as the works are internal and are not considered to have an effect on the property externally, nor the surrounding area.

Policy EN1 states that *"All proposals will be expected to protect and where possible enhance the significance of heritage assets and their settings, the historic character and local distinctiveness of the area in which they are located."*

The Heritage Assessment previously provided with the original submission identifies the section of the building within which the works are proposed, to be part of the original layout of the building. However, a number of modern interventions are noted internally, such as the ground floor toilets.

The removal of these facilities and reinstatement to part of the internal seating area is not considered harmful to the property - photo evidence has been submitted and a supporting heritage statement to demonstrate that no historic fabric would be affected by these works. The original proposal includes adequate toilet facilities throughout the building, and the loss of these facilities is not considered problematic. As such, there are no objections to the proposed works.

The proposal also includes reinstatement of a fireplace found on the ground floor. The fireplace is currently blocked with some 20th century brickwork. The proposal includes removal of the modern infill to the chimney and reinstatement with a wood burner. Further information would be required to ensure installation of a ventilation flue is done in a sympathetic manner. The schedule of works also identifies that the chimney pot may need to be replaced - a condition is recommended to secure materials details if this should be necessary.

Overall, the proposed works have no impact on the historic fabric and are considered acceptable.

Conclusion

The development has been assessed and the works are considered to be in accordance with the above relevant policies and planning permission can be granted. Advice contained in the Government's Planning Practice Guidance (PPG) makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have been discharged. Accordingly, the recommendation is to grant the variation to the existing planning permission subject to all conditions previously attached to planning permission 230709 with an amendment to condition 2 (approved plans).

RECOMMENDATION

GRANT VARIATION OF CONDITION 2

Subject to the following conditions:

1. The development hereby permitted shall begin no later than three years from the date of planning permission 230709/230710 issued on 20/10/2023. REASON: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. [VARIED] The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

Drawing No:

- Archaeological Desk-Based Assessment & Historic Building Heritage Statement [Forum Heritage Services], dated May 2023, received 23 May 2023
- LUS2318 EclA, Ecological Impact Assessment [LUS Ecology], dated 12 June 2023, received 17 August 2023
- 22.123.BB.G113 Rev. A, Proposed Site Block and Location Plan, dated April 2023, received 23 May 2023
- 22.123.BB.G112, Proposed Shepherd Hut, dated April 2023, received 23 May 2023
- 22.123.BB.G111 Rev. A, Garden Booth & Pergola Details, dated April 2023, received 11 July 2023
- 22.123.BB.G110 Rev. C, Proposed Elevations, dated April 2023, received 24 May 2023
- 22.123.BB.G109 Rev. B, Proposed Roof Plan, dated April 2023, received 24 May 2023
- 22.123.BB.G108 Rev. A, Proposed Loft Plan, dated April 2023, received 23 May 2023
- 22.123.BB.G107 Rev. A, Proposed First Floor Plan, dated April 2023, received 23 May 2023
- 23e106wb, Project Specification for an archaeological watching brief [Thames Valley Archaeological Services], dated 21 July 2023, received 26 July 2023
- 22.123.BB.G512, Existing Ground Floor Window Repair Schedule, dated July 2023, received 2 August 2023
- 22.123.BB.G513, Existing First Floor Window Repair Schedule, dated July 2023, received 2 August 2023
- 22.123.BB.G514, Existing Second Floor Window Repair Schedule, dated July 2023, received 2 August 2023
- 22.123.BB.G515, Existing Window Repair Schedule, dated July 2023, received 2 August 2023

- 22.123.BB.G120, Existing and Proposed Outbuilding Sections, dated July 2023, received 2 August 2023
- 22.123.BB.G203 Rev. A, Proposed First Floor Schedule of Works, dated October 2023, received 16 October 2023
- 22.123.BB.G201 Rev. A, Existing First Floor Schedule of Works, dated October 2023, received 16 October 2023
- 22.123.BB.G202 Rev. A, Proposed Ground Floor Schedule of Works, dated October 2023, received 16 October 2023
- 22.123.BB.G. 1500A - Chimney Elevation Detail, dated April 2024, received 24 April 2024
- 22.123.BB.G. 202B - Proposed Ground Floor, dated October 2023, received 10 January 2024

REASON: For the avoidance of doubt and to ensure the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

3. [DISCHARGED UNDER 231559/231847] No development shall commence beyond foundation level until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy CC7 of the Reading Borough Local Plan 2019

4. [DISCHARGED UNDER 231635] No development above foundation level shall commence on site until details of a habitat enhancement scheme are submitted to and approved in writing by the Local Planning Authority. The scheme is to include a programme for implementation and ongoing maintenance. The habitat enhancement scheme shall thereafter be implemented and adhered to in accordance with agreed programme.

REASON: Details are required prior to commencement as insufficient information was submitted with the application and in order to avoid harm to habitats and species whilst securing biodiversity enhancement in the long term. This accords with Paragraph 175 of the NPPF (2019), Policy EN12 of the Reading Borough Local Plan 2019, the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

5. No amplified sound or music shall be played inside the building outside of the following times: 10am until 12pm on Sunday to Thursday and 10am until 1am on Friday and Saturday. REASON: To safeguard the amenity of nearby occupiers, premises and the area generally in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

6. No sound or music, amplified or otherwise, shall be played outdoors at any time. REASON: To safeguard the amenity of nearby occupiers, premises and the area generally in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

7. The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level,

L_{Ar},T_r (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, L_{A90,T} when all plant/equipment (or any part of it) is in operation. REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy CC8 and EN17 of the Reading Borough Local Plan 2019.

8. The development shall not be occupied until an odour assessment has been carried out and a detailed odour management plan to include scaled plans, odour control specifications and a maintenance plan has been submitted to and approved in writing by the Local Planning Authority. Reference shall be made to the DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Jan 2005) when assessing potential odours and selecting appropriate odour control methods. Thereafter, the development shall not be carried out other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority. REASON: These details are required due to insufficient information being contained within this submission and to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policy CC8 of the Reading Borough Local Plan 2019.
9. The building shall not be used by members of the public outside the hours of 10:00 to 24:00 on Sunday to Thursday and 10:00 to 01:00 on Friday and Saturday and the outside space no later than 23:30 Monday to Sunday.
REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.
10. [DISCHARGED UNDER 231531] No development shall commence on site, including any works of demolition, until a site specific Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall 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) Identification of any footpath closures or road closures needed during construction;
 - e) Required wheel washing facilities on site;
 - f) A scheme for recycling waste resulting from the construction works. g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - h) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
 - i) Provisions to be made for the control of noise coming from the site during demolition and construction;
 - j) Full details of pest control measures following any demolition required. Where necessary, capping of drains/sewers and baiting arrangements.The measures within the approved Statement shall be adhered to throughout the demolition and construction period unless otherwise agreed in writing by the Local Planning Authority.
REASON: These details are required due to insufficient information being contained

within this submission and 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 Policy CC8 and TR3 of the Reading Borough Local Plan 2019.

11. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.
REASON: In the interests of air quality, the amenity of neighbours, and to promote more sustainable approaches to waste management in accordance with Policy CC8 of the Reading Borough Local Plan 2019.
12. No building hereby permitted shall be occupied until the bicycle parking facility for that building has been provided in accordance with the plans hereby approved. 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 Policy TR1 and TR5 of the Reading local Plan 2019.
13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme as set out in 23e106wb, Project Specification for an archaeological watching brief produced by Thames Valley Archaeological Services, received on 21 July 2023, and the provision made for analysis, publication and dissemination of results and archive deposition has been submitted and approved in writing by the Local Planning Authority.
REASON: The site lies in an area of archaeological potential, as illustrated by the Berkshire Archaeology Historic Environment Record. Archaeological monitoring or evaluation will ensure preservation, either by record or in situ, of any heritage asset present on the site in a manner appropriate to their significance, Policy EN1 and EN2 of the Reading Local Plan 2019.
14. No work shall take place to the chimney pot (specified at Item 56 on approved drawing 2.123.BB.G 202) until a photographic record of the existing chimney pot and details of the replacement chimney pot have been submitted to and approved in writing by the LPA.
REASON: These details are required due to insufficient information being contained within this submission and in order that the special architectural and historic interest of this Listed Building is safeguarded in accordance with Policy EN1 of the Reading Borough Local Plan 2019.