

DELEGATED APPLICATION REPORT

Ward: Abbey Ward

App Ref: PL/26/0499 Removal/variation of conditions

Address: 20 CROSS STREET, READING, RG1 1SN

Proposal: Change of use of the first, second and third floors from Class E (offices) to Class C3 residential (3x 1 bedroom flats) without complying with Condition 6 of planning decision PL/22/1423 to vary the wording of the condition

Applicant: Mr Babar Butt

Received date: 13/04/2026

Target Decision date: 08/06/2026

Case Officer: Marcelina Rejwerska

1. SITE DESCRIPTION

The application site comprises a four storey mid-terrace building on the west side of Cross Street in the Town Centre. The basement and ground floor are in retail use and the 3 upper floors in office use. The site is surrounded by a mixture of other town centre uses predominantly retail uses at street-level and a mixture of offices and residential accommodation to upper floors.

The site is located within the Reading Central Area, Central Core, Primary Shopping Area and Office Core Area within an existing designated Active Shopping Frontage. It is also located within an Air Quality Management Area and an Area of Archaeological Potential

2. PROPOSAL AND SUPPORTING INFORMATION

Permission is sought for the variation of the wording of Condition 6 of planning decision reference PL/22/1423 to amend the requirement for the submission of a BREEAM Certificate to instead require the submission of a Sustainability Statement.

Condition 6 of planning decision PL/22/1423 states:

No development shall commence on site until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and approved in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019.

The wording is proposed to be amended to the following:

Prior to the commencement of the development hereby permitted, a Sustainability Statement completed by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority demonstrating that all of the dwellings hereby permitted comply with the targets as set out in Policy CC2 and the Sustainable Design and Construction SPD 2019.

REASON: To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019 and the Sustainable Design and Construction SPD 2019.

The wording has been revised by the case officer in agreement with the applicant.

2.1. Information submitted: Planning Statement

Sustainability Statement
Location and Block Plan

3. RELEVANT PLANNING HISTORY

- 10/02263/ADV – Two fascia signs. Permitted 03/02/2011.
- 10/01991/FUL - Change of use from sui generis to A1/A2 and new shop front. Permitted 05/01/2011.
- 210851/OPA - Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 3no. 1-bed apartments. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Withdrawn 06/07/2021.
- 211234/OPA - Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise 3 X 1-bed apartments. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Withdrawn 29/09/2021.
- PL/22/1423/FUL - Change of use of the first, second and third floors from Class E (offices) to Class C3 residential (3 x 1 bedroom flats). Permitted 19/12/2024.
- PL/26/0498 - Application for Approval of Details Reserved by Condition 4 (Bin Management Plan) of application PL/22/1423 – Under Consideration

4. CONSULTATIONS

The following were consulted:

- RBC Building Control – No comments to make.

A site notice was also erected at the front of the site in the public interest. No letters of representation were 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 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 2024 (as amended Feb 2025)

National Planning Practice Guidance 2014 onwards

Reading Borough Local Plan (2019)

CC1 (Presumption in Favour of Sustainable Development)

CC2 (Sustainable Design and Construction)

CC3 (Adaptation to Climate Change)

CC5 (Waste Minimisation and Storage)

CC6 (Accessibility and the Intensity of Development)

CC7 (Design and the Public Realm)

CC8 (Safeguarding Amenity)

CR1 (Definition of Central Reading)

CR6 (Living in Central Reading)

CR7 (Primary Frontages in Central Reading)

EM3 (Loss of Employment Land)

EN15 (Air Quality)

EN16 (Pollution and Water Resources)

EN17 (Noise Generating Equipment)

H1 (Provision of Housing)

H2 (Location, Accessibility, Density and Housing Mix)

H3 (Affordable Housing)

H5 (Standards for New Housing)

H8 (Residential Conversions)

H10 (Private and Communal Outdoor Space)

RL1 (Network and Hierarchy of Centres)

RL3 (Vitality and Viability of Smaller Centres)

TR1 (Achieving the Transport Strategy)

TR3 (Access, Traffic and Highway-Related Matters)

TR5 (Car and Cycle Parking and Electric Vehicle Charging)

Supplementary planning documents/guidance

Revised Parking standards and design (2011)

Sustainable Design and Construction (2019)

Affordable Housing Supplementary Planning Document (2021)

Planning Obligations Under Section 106 (2015)

Residential Conversions (2013)

Local Plan Update

The current version of the Local Plan (adopted in November 2019) turned five years old on Tuesday 5th November 2024. The Local Plan was reviewed in March 2023 and around half of the policies in the plan are considered still up to date. However, the rest need to be considered for updating to reflect changing circumstances and national policy. A consultation version of the draft updated version of the Local Plan was published on 6th November 2024. Subsequent to this consultation a submission draft was sent to the Secretary of State on 9th May 2025. At the time of writing, the examination-in-public of the partial update to the local plan was recently completed.

Although there is a five-year period for carrying out a review of a plan after it is adopted, nothing in the NPPF or elsewhere says that policies automatically become "out of date" when they are five years old. It

is a matter of planning judgement rather than legal fact whether a plan or policies within it are out-of-date. This will depend on whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through changes in national policy, for example.

Officer advice in respect of the Local Plan policies pertinent to this application is that they remain in accordance with national policy and that the objectives of those policies remains very similar in the submission draft updated Local Plan. Therefore, they can continue to be afforded weight in the determination of this planning application and are not considered to be 'out of date'.

6. APPRAISAL

Policy CC2 requires all minor conversions to residential to meet the most up-to-date BREEAM 'Very Good' standard as a minimum.

The applicant has stated that the above standard cannot be achieved due to the age of the building and relatively small scale of the works approved and has offered to instead to submit a Sustainability Statement to outline the ways in which the development will meet the overall targets and objectives of Policy CC2. This is considered acceptable on this occasion, and the condition can be reworded accordingly. No condition is discharged as part of this decision. Condition 7, which requires the submission of a BREEAM completion certificate, is also varied for consistency.

7. CONCLUSION

The proposed variations to the approved scheme are considered acceptable in the context of the national and locally adopted policies.

8. RECOMMENDATION

GRANT VARIATION

Conditions as per PL/22/1423:

1. Time Limit S73
2. Approved Plans
3. Materials As Specified
4. Management Plan
5. Obscure Glazing to side and rear windows
6. [VARIED] Sustainability Statement (pre-commencement condition)
7. [VARIED] As built confirmation statement of sustainability measures
8. Hours of construction/demolition
9. No bonfires
10. Cycle Parking (as specified)
11. Refuse and Recycling (as specified)
12. Parking Permits 1
13. Parking Permits 2
14. Noise Mitigation Scheme (as specified)
15. Ventilation (as specified)

Informatives:

1. Positive and Proactive
2. Pre-commencement conditions
3. Highways
4. S106
5. Terms
Building Control



6. Complaints about construction
7. Encroachment
8. Noise between residential properties – sound insulation of any building
9. CIL
10. Parking Permits