

DELEGATED APPLICATION REPORT

SITE ADDRESS: 173 Friar Street

APPLICATION NUMBER: 221381/DTP

PROPOSAL: Application for prior approval of a proposed New dwellinghouses on terrace buildings in commercial or mixed use. For a two-storey roof extension to form 10 apartments. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB

TARGET DATE: 15/11/22

Introduction

173-174 Friar Street is a four-storey building located at the eastern end of Friar Street at the junction with Market Place and The Forbury. The building whilst now vacant formerly comprised a ground floor shopping arcade (known as Bristol and West Arcade) with offices above.

The site is located within the Reading Central Area, Central Core, Office Core and Primary Shopping Area of the town centre as defined by Policy CR1 of the Reading Borough Local Plan 2019. The ground floor level Friar Street frontage of the building is a designated Primary Frontages within the town centre as defined by Policy CR7. The application site together with 175 Friar Street and no.s 27-32 Market Place are allocated for development under Policy CR14d. The site allocation is for change of use of listed buildings (no.s 27-32 Market Place) and development of remainder of the site for residential and/or offices with retail and related uses on the ground floor, retaining the arcade form.

The building subject of this application is also located within area of archaeological potential and an air quality management area. The building is not listed, and whilst adjacent to is not within a Conservation Area.

Proposal

The proposal seeks new dwellinghouses on terrace buildings in commercial or mixed use. It relates to a two-storey roof extension to form 10 apartments. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB

Information Submitted

jw1077-005 - Existing Block Plan

jw1077-006 Rev C - Existing Elevations

Received 20th September 2022

jw1077-100 Rev E - Location Plan
jw1077-022 Rev D - Proposed Elevations Two Additional Stories
jw1077-021 Rev B - Proposed Fifth Floor Plan
jw1077-020 Rev B - Proposed Fourth Floor Plan
Supporting Statement
Daylight Report prepared by Richard W Staig dated 30th August 2022
Application Form
CIL Form

Received 14th September 2022

Policy Context

Legal context

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class AB involves the creation of new dwellinghouses by way of a two storey upwards extension.

Before development can be carried out under Class AB, the developer must submit a Prior Notification to determine if 'Prior Approval' of the Local Planning Authority is required in respect of the following matters:

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of — (aa) the principal elevation; and (bb) any side elevation that fronts a highway; and (ii) the impact of any works under paragraph AB(3)(c) or (d);
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012202 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Class AB requires development to be completed within a period of 3 years starting with the prior approval date. Any building permitted to be used as a dwellinghouse

by virtue of Class AB is to remain in use as the mixed use of commercial and dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Any development under Class AB is also permitted subject to the condition that the development must not include a window in any wall or roof slope forming a side elevation of the building.

Any development under Class AB is also permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

If the Local Planning Authority determine that Prior Approval is required, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the Local Planning Authority should, when determining an application, have regard to the National Planning Policy Framework (NPPF), 'so far as relevant to the subject matter of the prior approval, as if the application were a planning application' (Paragraph W, para 10b).

Relevant Planning History

220579/EPA - Change of use from Class E (commercial, business and service) to C3 (dwelling houses) to comprise 20 flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Granted

Consultations

RBC Environmental Health - Objection as no noise assessment has been submitted/ no sufficient information submitted

RBC Transport - No objection

Publicity

A site notice was displayed at the application site for the requisite period. No comments were received.

Appraisal

In addition, in order to qualify for assessment under Class AB, all applications submitted under this class from 6th April 2021 must comply with Department for Communities and Local Government's Technical Housing Standards - Nationally Described Space Standards, minimum space standards. As the application was received after the 6th April 2021 there is a requirement to comply with these

minimum space standards. It can be confirmed that the proposed units comply with these minimum space standards as illustrated in the accompanying plans.

AB.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building to which sub-paragraph (2) applies, where that development comprises—

- (a) up to two additional storeys, in the case of an existing building consisting of two or more storeys;
- (b) one additional storey, in the case of an existing building consisting of one storey, together with any development under sub-paragraph (3).

(2) This sub-paragraph applies to a building which is—

- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to the 1987 Order, or as a betting office, pay day loan shop or launderette;
- (b) in a mixed use combining—
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to the 1987 Order, together with one or more uses within paragraph (a).

(3) Development consisting of any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

(4) In relation to Class AB, “the 1987 Order” means the Use Classes Order as in force on 5th March 2018.

Development not permitted AB.1. Development is not permitted by Class AB if—
(za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

COMPLIES

(b) on 5th March 2018 the building was in a use other than—

- (i) a use or mixed use within paragraph AB(2)(a) or (b); or
- (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

COMPLIES

(c) the additional storeys are constructed other than on the principal part of the building; **COMPLIES**

(d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building; **COMPLIES**

(e) the new dwellinghouses are not flats; **COMPLIES**

(f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres; **COMPLIES**

(g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case); **COMPLIES**

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—

(i) 3.5 metres, where the existing building consists of one storey; or

(ii) 7 metres, where the existing building consists of more than one storey;

COMPLIES

(i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise; **COMPLIES**

(j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development; **COMPLIES**

(k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services; **COMPLIES**

(l) in the case of Class AB(3)(b) development there is no existing plant on the building; **COMPLIES**

(m) in the case of Class AB(3)(b) development the height of any replaced or

additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building; **COMPLIES**

(n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building; **COMPLIES**

(o) development under Class AB(3)(d) would—

(i) extend beyond the curtilage of the existing building; **COMPLIES**

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or **COMPLIES**

(p) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome; **COMPLIES WITH ALL**

Conditions AB.2.—(1)Where any development under Class AB is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

The site is located within Zone 1, which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. The area is well served by rail and bus links and also contains the largest portion of public car parking spaces and is close proximity of the Oracle shopping centre and multi-storey car parks.

Friar Street is used by buses and has access restrictions in place during certain times of the day. There is a 24 hour restriction in place for Friar Street West Bound (except for buses and taxis) and time restricted access Friar Street Eastbound between 7am - 11am and 4pm - 7pm and restricted access to Market Place. A 'no stopping' red route has been introduced east along Friar Street, this means vehicles are not permitted to stop unless they are within a dedicated loading bay.

The site has no existing onsite parking and is located in the heart of the town centre and as such there is no adverse impacts on local traffic flows. Given the extensive

parking restrictions in place on Friar Street/Broad Street and the surrounding road network all have parking restrictions preventing on-street parking.

Given that the site is located in a highly sustainable location a car free development can be accepted on this instance. Resident's will not be eligible to apply for a Residents Parking Permits for roads in the surrounding area where the Councils residential permit scheme operates, therefore the appropriate informative would be applied preventing future occupants applying for permits.

Cycle storage should be provided in accordance with the Councils current parking standards, however under GPD we would not comment on this.

The applicant would need to ensure that the refuse storage provisions comply with the Council's Waste Management Guidance which is available to view online. Bins must not be stored on any part of the public footway.

The appropriate license would need to be applied for should any works impact the public highway/footway.

(b) air traffic and defence asset impacts of the development;

The application site is not located in an air traffic and defence asset area

(c) contamination risks in relation to the building;

The site is not on contaminated land, furthermore no ground works are proposed given the development is contained to the upper storeys.

(d) flooding risks in relation to the building;

The site is located within Flood Zone 1 and therefore has a low probability of flooding.

(e) the external appearance of the building, including—

(i) the design and architectural features of —

(aa) the principal elevation; and

(bb) any side elevation that fronts a highway; and

(ii) the impact of any works under paragraph AB(3)(c) or (d);

Under appeal reference APP/Z5060/W/21/3269750, which saw the refusal of prior approval under Class AB due to the external appearance of the building, the Inspector concluded that *“the appeal building is located within a wider terrace of closely related buildings and to that extent I do not consider it to be appropriate to consider the external appearance of the building in a vacuum or in isolation. The neighbouring development and sites are, in this case, a relevant aspect of the consideration of the effect of the development on the external appearance of the building”*.

The above highlights the need to look at the proposed additional storeys in relation to the wider terrace, rather than just in relation to the host building itself. In this case, the application site forms part of a terrace, with the ridge of the building being the same level as that of 175 Friar Street (to the east) which is located

within the Market Place/ London Street Conservation Area. The proposed extensions would be approx. 3.5m above 175 Friar Street, leading to a jarring visual appearance from the between the two sites, particularly from the front elevation and facing west, coming out of the conservation area. The application site and 175 Friar Street currently have the appearance of one building and the proposal would disrupt this balance and uniformity between the two.

In terms of the relationship of the extension with the building below, the fenestration of the proposed fifth floor would fail to integrate with the floors below in terms of its detailing, shape and size. This is also in part owing to the fifth floor extension being off-centre in the roofscape, meaning fenestration does not follow the floors below.

For the reasons above, the proposal is not considered acceptable in terms of the external appearance of the building.

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

From the daylight assessment provided, it can be concluded that dwellings would receive an adequate level of natural light.

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

Whilst the proposal seeks to increase the height of the existing roof by adding an additional two floors, the neighbouring properties are all in commercial uses and there is sufficient separation distance between them to ensure that there would be no overlooking or loss of privacy resulting from the proposed development.

It is considered that the proposed roof extension to the building would not, given the separation and orientation of neighbouring buildings, have any adverse impact on the levels of natural light received at neighbouring properties nor would it result in a loss of outlook or create a sense of enclosure for potential residents on the lower floors of the existing building albeit that as yet such flats have permission but do not exist.

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

The site is located within the town centre with a variety of commercial facilities in the vicinity (shops, drinking establishments, food establishments etc). The applicant has provided a section of a noise assessment for a previous prior approval application at the site that was deemed acceptable (not the same scheme as that proposed under this prior approval). However, upon consultation with Environmental Protection Officers, it was considered a site specific noise assessment would be required, or confirmation that the same measures, as indicated in the noise assessment for the previous prior approval in terms of glazing and ventilation, are proposed. This has not been confirmed and therefore the proposal has not demonstrated it would be acceptable in terms of commercial noise.

In light of the above, the proposal is not deemed acceptable in relation to commercial noise.

(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;

The building is currently vacant, and has been for a number of years, and so it would not impact any business/ trade at the application site, nor would it be considered to adversely impact trade within the town centre.

(j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application

The proposal would not result in an impact on a protected view, as outlined in the Directions Relating to Protected Vistas.

RECCOMENDATION: **REFUSE** prior approval for the following reasons:

1. The proposed extensions, due to their excessive scale and unsympathetic form and appearance, would disrupt and relate poorly to the existing architectural composition of the host building resulting in an obtrusive and visually discordant development. This unsatisfactory arrangement would have a jarring and awkward relationship with adjacent buildings, disrupting the existing balance and uniformity within the street frontage. As such the appearance of the proposal would result in harm to the character and appearance of the existing building, the street scene, and the conservation area of which it forms a part.

The development subject of this prior notification therefore fails to meet criteria Class AB.2.(1) (e) (external appearance of the building) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB

2. In the absence of a site-specific noise assessment, the proposal fails to demonstrate that it would be acceptable in terms of the impacts of commercial noise on the amenity of future occupiers.

The development subject of this prior notification therefore fails to meet criteria Class AB.2.(1)(h) (impacts from noise from commercial premises) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB.

Informatives:

1. Information considered

2. Option to withdraw

3. Appeal