

DELEGATED APPLICATION REPORT

SITE ADDRESS: 79 Northumberland Avenue, Reading, RG2 7PT
APPLICATION NUMBER: 221412
PROPOSAL: Application for prior approval of a proposed: New dwellinghouses on terrace buildings in commercial or mixed use. To provide 12 dwellings. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB
TARGET DECISION DATE: 15/11/2022

Introduction

The application site comprises a two-storey building on Northumberland Avenue within Northumberland Avenue (North) Local Centre, as defined within Policy RL1 of the Reading Borough Local Plan. A parade of retail, commercial units are located to the ground floor, with residential units to the first floor. The area surrounding the local centre is considered predominantly residential, with a mix of two storey semi-detached dwellings and terraced rows. The surrounding area consists predominantly of two storey development.

The proposal site is located within Northumberland Avenue (North) Local Centre and is located within an area where there is an emerging Article 4 direction, where planning permission will be required for the specified forms of development within the area where the direction application applies:

- Change of use of commercial, business and service use (use class E) to residential (Part 3 of the GPDO, class MA);
- Change of use of hot food takeaway, betting office, payday loan shop or launderette to residential (Part 3, class M);
- Change of use of casino or amusement arcade to residential (Part 3, class N);
- Demolition of single, purpose built, detached block of flats or a single, detached office, light industrial or research and development building and its replacement with a detached block of flats or detached house (Part 20, class ZA);
- Up to two additional residential storeys on a detached commercial or mixed use building (in use for retail, financial and professional, restaurant and café, office, research and development, light industrial, betting shop, payday loan shop, launderette) (Part 20, class AA); and
- Up to two additional residential storeys on a two or more storey terraced commercial or mixed use building (see class AA for uses) or one additional storey on a one storey building (Part 20, class AB).

The direction comes into force on 15th November 2022.

A site visit was carried out on 06/10/2022.



Fig 1. 79 Northumberland Avenue. Photo taken by case officer on 06/10/2022.



Fig 2. 79 Northumberland Avenue. Photo taken by case officer on 06/10/2022.

Proposal

Application for prior approval of a proposed: New dwellinghouses on terrace buildings in commercial or mixed use. To provide 12 dwellings. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB

The development proposed specifically seeks the following:

- Two storey upward extension above the existing residential units to the first floor to create 12 additional 2-bed flats.
- Alterations to formalise the vehicle parking arrangement to the rear of the building.

Information Submitted

Plans considered (plans with double strikethrough denote superseded plans):

- Planning Application Statement - 2610
- Existing Site Plan and Topo survey - NAR:001
- Existing Elevations (sheet 1) - NAR:002
- Existing Elevations (sheet 2) - NAR:003
- Ground floor plan to show Commercial units EXISTING - NAR:004
- First floor plan to show Residential units EXISTING - NAR:005
- Block & Location Plans - NAR:007
- ~~- Proposed Site plan - NAR:008~~
- Ground floor plan to show Commercial units PROPOSED STAIR ALTERATION - NAR:010
- First floor plan to show Internal alterations with sky windows removed - NAR:011
- New 2nd and 3rd Floor plans to show 12No additional units PROPOSED - NAR:012
- Existing and proposed roof plans - NAR:013
- Proposed Elevations (sheet 1) - NAR:014
- Proposed Elevations (sheet 2) - NAR:015

Received on 20/09/2022

- Noise Impact Assessment - 22-9964
- Transport Technical Note - 22-090-001
- Proposed Site plan - NAR:008 Rev P1

Received on 28/10/2022

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 development consisting of new dwellinghouses on terrace buildings in commercial or mixed use.

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 2012 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 development under Class AB is 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.

The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. The notification must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Planning History

At 81 Northumberland Avenue

170064/FUL - Change of use from sui generis to the provision of medical and health services under use class D1 - Application Permitted on 27/02/2017

980829/FUL - Change of use from A1 to A3 - Application Refused on 26/08/1998

900162/FUL - Change of use from shop to sale of motorcycles and accessories. - Application Permitted on 05/12/1990

At 81a Northumberland Avenue

130453/FUL - Change of use from A1 (shop) to sui generis (beauty salon). - Application Permitted on 22/05/2013

At 87 Northumberland Avenue

081079/FUL - Change of use from shop to A5 (hot food take-away) - Application Permitted on 28/07/2008

At 89 Northumberland Avenue

020698/FUL - Change of use from non-residential institution (D1) to financial and professional services (A2) - Application Permitted on 29/05/2002

960146/REG - Change of use from retail to a training and employment advice centre including internal alterations. Regulation 3 - Application Permitted on 06/06/1996

930844/ADV - Sun and News of the World and customers' name and goods sign - Application Permitted on 19/05/1993

Consultations

75 Northumberland Avenue, Reading, RG2 7PT - No response received.

77 Northumberland Avenue, Reading, RG2 7PT - No response received.

81 Northumberland Avenue, Reading, RG2 7PT - No response received.

81a Northumberland Avenue, Reading, RG2 7PT - No response received.

91 Northumberland Avenue, Reading, RG2 7PT - No response received.

38 Morpeth Close, Reading, RG2 7UH - No response received.

2 Newcastle Road, Reading, RG2 7TR - No response received.

4 Newcastle Road, Reading, RG2 7TR - No response received.

4A Newcastle Road, Reading, RG2 7TR - No response received.

6 Newcastle Road, Reading, RG2 7TR - No response received.

83 Northumberland Avenue, Reading, RG2 7PT - Response received on 28/10/2022

- Concerns with regards to the existing levels of crime and safety in the area. The development is not seen to be an improvement of this issue.

[Undefined] Northumberland Avenue, Reading, RG2 7PP - Response received on 27/10/2022

- Concerns that the development would harm the amenity of neighbours in terms of noise and disturbance.
- Concerns of increased vehicle activity and the provision of vehicle parking for the development.

Thames Water - Response received on 12/10/2022

- [Summary of comments] *On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

Reading Borough Council, Transport Development Control - Response received on 21/10/2022

- *The applicant has failed to demonstrate that the proposed development would not have a material detrimental impact on the functioning of the transport network. The proposed on-site parking provision is inadequate, intensifying existing parking pressures and compromising the safety of users of the transport network including pedestrians and cyclists. The proposal is therefore contrary to AB.2 (1) (a) of Class A, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).*

Reading Borough Council, Transport Development Control - Updated response received on 04/11/2022 upon review of amended plans and supporting information received from the applicant on 28/10/2022.

- *The applicant has provided an assessment of the proposed parking provision, providing a total of 28 spaces, including the garage spaces. Therefore, can they provide details of the ownership of the garages and whether they are utilised for parking. Most garages are used for storage as they*

can no longer accommodate a modern sized vehicle. Therefore, we need to establish whether the garages can be counted in the total parking provision.

- The transport note states in paragraph 4.1.6 "Furthermore, the proposed parking provision is considered suitable given the mix of land uses on the site that would give rise to different peak periods in terms of parking demand and accumulation." I note that this approach is supported in the Parking SPD but clarification is sought regarding the allocation of the spaces within the site. Will the spaces remain unallocated, i.e not allocated under the land registry for each flat?*
- The transport note states that the layout allows space for servicing to the rear of the units to continue. Therefore, can the applicant submit tracking diagrams to demonstrate that servicing can still occur from the rear of the site.*

Reading Borough Council, Environmental Protection - Response received on 11/10/2022

- I believe that a noise assessment is required to establish whether commercial noise will affect the proposed dwellings. I appreciate that one storey of residential dwellings exists already, however, the nature of the commercial units means that there is likely to be noisy mechanical plant on site such as refrigeration condenser units and kitchen extraction which can impact on properties higher off the ground depending on where the plant is installed. In addition, no evidence has been submitted to demonstrate that noise does not currently impact on the existing properties.*

Reading Borough Council, Environmental Protection - Updated response received on 07/11/2022 upon review of amended plans and supporting information received from the applicant on 28/10/2022.

- I am concerned about the noise levels at the rear due to the kitchen extraction plant and its impact on the living area. The predicted noise levels are above recommended levels with windows open, but no additional ventilation other than trickle vents is proposed. This is of particular concern with it being plant noise not anonymous noise. As this is on the same site as the noise source, is there no option to reduce the noise at source?*

Publicity

A site notice was displayed at the application site on 06/10/2022 for a period of 21 days, expiring on 27/10/2022. No responses have been received to the public consultation.

Appraisal

The proposal comprises of two additional storeys to provide 12 x 2-bed residential units above the first floor (x6 units at second floor, and x6 units at third floor). Minor amendments to the existing access steps to enable access to the upper floors that area created are also proposed (as permitted under Class AB.-(3)(c)). The proposal is to be considered against the criteria and conditions contained within Schedule 2, Part 20, of Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Criteria AB.1.-(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;

Complies - There are no Class MA permissions for any of the units at the site.

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

Complies - The building dates from the late 1960s.

- (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 - All units to the ground floor were in commercial use, whilst the first floor units were in residential use.

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

Complies - The additional storeys would be constructed on the principal part of the building.

- (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 - The floor to ceiling height of the additional floors would not exceed 3m, or the floor to ceiling height of the ground floor and first floor.

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

Complies - All proposed units are 2-bed flats.

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

Complies - The building following the proposed development would be 12.37m tall.

- (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 - The height of the each of the buildings in the terrace row is to be extended. The extensions relate to the principal part of the terrace row.

- (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 - The height of the building is to increase by 5.74m

- (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 - The building has not been extended upwards under a previous permission.

- (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 - No visible support structures are proposed.

(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 - No engineering operations proposed.

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

Complies - There is no existing plant on the building.

(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 - No plant is proposed to the roof of the building.

(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;**
- (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

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 existing vehicle parking at the site is an informal arrangement, with residential and commercial parking to the rear and side (south) of the site.

At the time of assessing this application, there are outstanding issues at the site concerning the ownership of the single storey block of garages (no7 spaces) within the site. These garages have been included in the provision of vehicle parking spaces for the development, however, it is unclear as to whether these garages could adequately accommodate contemporary sized vehicles.

Clarification is also sought regarding the allocation of spaces within the site. For instance, will the spaces remain unallocated? It has also not been demonstrated that servicing can still occur from the rear of the site for the commercial uses to the ground floor.

Due to these outstanding issues, there has been a failure to demonstrate that the development would be acceptable in terms of its impact on the functioning of the transport network through on-street parking and servicing, compromising the safety of users of the transport network including pedestrians and cyclists.

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

This proposed development would not have a detrimental impact on air traffic and defence assets.

(c) contamination risks in relation to the building;

There are no contamination risks in relation to the site.

(d) flooding risks in relation to the building;

The proposal site is within Flood Zone 1. There are no flood risk concerns in relation to the building or the proposed development.

(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);

The existing architecture does not have very special qualities, it is however a modest building of two storeys, which reflects the predominant scale within the local area, and is not obtrusive within the street scene. Its simple form is considered to blend effectively with the surrounding development, even if it is not the most attractive of developments.

The design of the proposed upward extensions from the principal elevation appear to replicate the existing first floor front elevation, with balconies which alternate vertically in their position. The existing first floor elevation is considered a dated design in itself, replicating this design by adding a further two storeys of the same dated design and architectural features, is not considered good design. There is no articulation in the design at second or third floor level, and as a result, the design that is presented appears boxy and imposing on the street scene. It appears that no attempt has been made to soften the appearance of the development or add a degree of subservience to the design. Instead, it appears that the design is aimed more at maximising the roof space.

No improvements to the appearance of the existing facade are proposed. Further, whilst the proposal is finished in materials which match the existing building and therefore remain in keeping with the character and appearance of the property there are concerns that the increase in height will result in the building becoming a visually dominant block within the street scene.

Appeal decision APP/Z5060/W/21/3269750 at 93-99 New Road, Dagenham RM10 9NL discusses the scope of the assessment for AB.2.—(1)(e), stating that; “The appellant considers that in considering the

‘external appearance of the building’ this should be confined solely to the building in question and not to its wider context. Firstly, I would point out that AB.2 (e) refers to the ‘external appearance of the building including...’ and to this extent it is not a closed list. Secondly, and, in any event, it is a matter of planning judgment as to whether consideration is given to the effect in terms of the building’s intrinsic design and/or to the effect in terms of the building’s relationship with adjoining or nearby properties. In this case, 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.” Underlined for officer emphasis.

It is considered in this instance that neighbouring development is a relevant consideration when assessing the external appearance of the building. The proposed development is considered to be too tall for its context, overbearing, and would not sit well within the established street scene, nor would it reflect the largely domestic 2 storey scale of the surrounding buildings, and area more widely (see Fig 3). Although the upward extensions do follow the existing front building line, which is set back from the highway, this does not assist in lessening the overall dominance that such upward extensions would create.

To summarise, the development is not considered appropriate in terms of its size, scale or appearance, and would have a detrimental impact on the character and appearance of the existing building and the surrounding area. The proposed development, when seen from Northumberland Avenue, would appear as a high, dominant and bulky addition to 79 Northumberland Avenue. Doubling the size of the existing building and at odds with the scale of neighbouring development.



Fig 3. Aerial view of 79 Northumberland Avenue and the wider area (facing east), proposal site outlined in red. Image retrieved from Google Maps on 08/11/2022.

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

All habitable rooms are served by windows, providing adequate levels of natural light to the proposed flat.

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

Specifically concerning overlooking, privacy and loss of light; the development is not considered to harm the living conditions of neighbouring residents, or existing residents at the development site.

It is considered that there is a suitable separation distance between the proposed development and the side boundary to the nearest residential property (38 Morpeth Close). Combined with the presence of a block of seven garages to the boundary with 38 Morpeth Road, it is considered that there would not be a loss of privacy or overlooking to number 38. There would be no direct overlooking to neighbouring residents from the proposed development. As per the conditions of the Class AB prior approval, no windows are proposed to the side elevations of the development.

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

As explained in the response from the Environmental Protection Team; there are concerns with regards to the impact of the noise generated from the commercial uses on the site on future occupiers of the proposed flats. Specifically, concerning the noise generated from the kitchen extraction plant to the ground floor rear elevation of the site.

The Noise Impact Assessment report submitted in support of this application predicts that noise levels would be able the recommended levels with windows open, but no additional ventilation other than trickle vents is proposed.

The proposed development has failed to demonstrate that a suitable quality of accommodation can be provided for all future occupiers, as the mitigation measures submitted would not be sufficient to minimise the impact of noise from the ground floor commercial uses.

(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;

It is considered that in combination with the transport concerns with the application, the intensification of the residential use at the site would have a detrimental impact on the carrying on of trade and business to the ground floor business. This is due to the outstanding issues concerning the impact of the development upon the transport network and servicing to the ground floor businesses. There has been a failure to demonstrate that servicing to the ground floor businesses can still take place within the proposed formalised vehicle parking arrangement.

(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(a) issued by the Secretary of State;

The proposed development would not impact any protected views. The Protected Vistas are located in London boroughs.

Conclusion

The development subject of this prior notification is considered to meet the relevant criteria of Class AB of the GPDO. In considering the relevant conditions pursuant to the Prior Approval of this application, the proposal will not give rise to any air traffic and defence asset impacts, contamination risks, or flooding risk. The proposal would provide adequate natural light to future occupants. The proposed development would not impact any protected views or Protected Vistas.

The proposed development would have a detrimental impact on transport, highway safety, and the carrying on of businesses at Northumberland Avenue (North) Local Centre. The development would have a harmful impact on the character and appearance of the existing building and surrounding area by

virtue of the height, scale and bulk of the development. Finally, the development has failed to demonstrate appropriate noise mitigation to future occupants.

Accordingly, it is considered that prior approval of the Local Authority is required and refused in accordance with the requirements of Class AB Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:

Prior Approval is required and REFUSED.

Reasons for Refusal:

1. The proposed development, by reason of its excessive height, massing and bulk, and poor quality detailing, would appear visually dominant and would have a detrimental impact on the character and appearance of the existing building and the surrounding area. Prior approval is therefore refused on the basis that the development would fail to meet the requirements of paragraph AB.2.(1)(e) of Schedule 2, Part 20 Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The proposed development has failed to demonstrate that the proposed on-site parking provision complies with the Local Planning Authority's standards in respect of vehicle parking and servicing provision. This could have a detrimental impact on the functioning of the transport network through on-street parking and servicing, compromising the safety of users of the transport network including pedestrians and cyclists. Prior approval is therefore refused on the basis that the development would fail to meet the requirements of paragraph AB.2.(1)(a) and paragraph AB.2.(1)(i) of Schedule 2, Part 20 Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3. The proposed development has failed to demonstrate that a suitable quality of accommodation can be provided for all future occupants, as the mitigation measures submitted would not be sufficient to minimise the impact of noise from nearby commercial premises. Prior approval is therefore refused on the basis that the development would fail to meet the requirements of paragraph AB.2.(1)(h) of Schedule 2, Part 20 Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives:

1. The proposal meets the relevant criteria set out in Class AB.
2. Plans Considered