

DELEGATED APPLICATION REPORT

SITE ADDRESS: 175 Friar Street

APPLICATION NUMBER: 220577/EPA

PROPOSAL: Change of use of upper floors and rear part of ground floor from Class E (Commercial, Business and Services) to C3 (dwelling houses) to comprise 6 flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

TARGET DATE: Extension of time until 21st June 2022

Introduction

The application site 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 retail unit 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 173-174 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 but is located within the Market Place / London Street Conservation Area.

Proposal

Prior approval is sought under Class MA Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of the first, second and third floors and part of the ground floor of the building to 6 self-contained flats.

Information Submitted

The completed application form, including a written summary of the proposed development and the developer's contact details

Drawings and Documents ref.

- Allen Planning Ltd Supporting Letter
- Jostect Noise Survey Report ref. 2212704
- Internal Illuminance Analysis ref. ROL.21
- jw1077-100 rev C - Location Plan

- jw1077-040 rev B - Proposed Elevation sheet 1
- jw1077-038 rev B - Proposed Third Floor Plan
- jw1077-037 rev B - Proposed Second Floor Plan
- jw1077-036 rev B - Proposed First Floor Plan
- jw1077-030 rev A - Existing Elevations Sheet 1
- jw1077-028 rev A - Existing Third Floor Plan
- jw1077-027 rev A - Existing Second Floor Plan
- jw1077-026 rev A - Existing First Floor Plan
- jw1077-025 rev A - Existing Ground Floor Plan
- jw1077-035 rev C - Proposed Ground Floor Plan

Received by the Local Planning Authority on 19th April 2022

Policy Context

Legal context

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class MA involves development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Before development can be carried out under Class MA, 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 impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor,
 the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or

- (ii) a health centre maintained under section 2 or 3 of the National Health Service Act the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Class MA 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 MA is to remain in use as a 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.

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).

Planning History

173-175 Friar Street & 27-32 Market Place

210163FUL & 210164LBC - Demolition of vacant former Bristol & West Arcade (173-175 Friar Street) and redevelopment of site including minor excavations at basement level to provide an 8- storey building to provide a hotel (C1 use) of up to 182 beds, creation of a bar/restaurant/gym at ground floor associated with the hotel and the provision of ancillary facilities including outdoor terrace, demolition of rear parts of 29-31 and 32 Market Place, the change of use of the retained units at 27-28, 29-31 and 32 Market Place at first, second and third floors to provide 8 residential units, retention of flexible Class E uses at ground and basement floors - Resolution to grant but not yet determined.

180358FUL & 180359LBC - Demolition of vacant former Bristol & West Arcade (173 - 175 Friar Street) and erection of an eight storey mixed -use building (plus basement) to provide 35 residential units, 4,208 sqm of B1 office floorspace, and 5 retail units (A1/A2/A3); demolition of rear parts of 29 - 31 and 32 Market Place the change of use of the retained units at 27 - 28, 29 - 31 Market Place at first, second and third floors to provide 8 residential units, change of use at ground and basement level of 32 Market Place from A2 to flexible retail use (A1/A2/A3), retention of 260.4 sqm of A4 use at ground and basement at 29-31 Market Place, change of use at ground and basement of 27 - 28 Market Place to flexible retail use (A1/A2/A3), and associated internal and external works to the Listed Buildings, landscaping, refuse, plant, cycle stores and substation at basement level - Granted (associated s106). LAPSED

173-174 Friar Street

220579EPA - 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 Transport - No objection.

RBC Environmental Health - Recommend a condition to secure details for specification of the proposed noise mitigation measures.

Conservation Area Advisory Committee - Support the retention of 175 Friar Street and future use as studio apartments. Raised concern about waste management arrangements. The appearance of the building would be greatly improved if the stonework were cleaned and with the use of high-quality materials for any features that need to be replaced.

Publicity

A site notice was displayed at the application site.

Appraisal

The proposal comprises the change of use of the building from Class E to Class C3 (dwellinghouse) with the proposal to be considered against the criteria and conditions contained within Part 3, of Class MA.1. (1) (a)-(g), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In addition, in order to qualify for assessment under Class MA, 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.

Criteria MA.1.-(1)

(a) Vacancy qualification- *“unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*

Complies.

(b) Previous use qualification - “unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;”

Complies. It can be confirmed that the use of the building fell within Class E (Commercial, Business & Service) for a continuous period of at least 2 years prior to the date of the application for prior approval.

(c) Floorspace qualification - “if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;”

Complies. It is noted from the existing floor plans submitted with the application that the upper floors of no. 175 Friar Street are accessible only from the adjoined building at no. 173-174 Friar Street. With access being obtained via single openings to the first, second and third floors of the adjoined building through to the associated floors of no. 175. There is currently no existing access from the ground floor of no. 175 to the upper floors of the building. Therefore, Officers sought evidence/justification from the Applicant that no. 175 is a separate building and does not form part of no. 173-174 Friar Street. This is important given prior approval has already been given for change of use of the upper floors of no. 173-174 Friar Street to residential use under a separate application (ref. 200579) and that if the two addresses do form part of the same building the floor area of the additional space changing use within no. 175 under the current application would exceed the 1, 500 square metres allowed under paragraph c) referred to above for the building as a whole and prior approval could not be granted.

In response to the above the Applicant submitted supporting information which set out that no. 173-174 Friar Street and no. 175 Friar Street are registered under separate Title Deeds. Occupation records also show that the two addresses have been occupied and leased by separate unconnected users with no. 173-174 forming part of the historic Bristol and West Arcade whereas no. 175 was its own separate premises not occupied by the Arcade. The information also states that a former staircase connecting the ground floor of no. 175 to the upper floors was removed as part of previous building works and that removal of a staircase does not change the position that no. 175 is a separate building. Additionally, the introduction of the single doorway connections created through to the upper floors of the building, similar to creating a whole in a fence, does also not change the position that the premises should be considered as separate buildings.

Officers, having sought input from RBC legal advisers, with regard to the additional supporting evidence submitted, are satisfied that for the purposes of the GPDO no. 175 is a separate building to no.173-174 and therefore the

floor space changing use can be considered separately and not cumulatively with that for which prior approval for change of use has already been given at no. 173-174. As such the floor space within the building changing use is less than 1, 500 square metres and the proposals comply with paragraph c).

Furthermore, Officers also note that the whilst the appearance of the frontage of no. 175 and 173-174 is similar there are subtle differences in terms of the appearance of the building with a visible line in the bricks where the two adjoin as well as different window, balcony and parapet detailing which further indicate the premises may be separate buildings. In addition, the line which delineates the edge of the Market Place / London Street Conservation Area also runs between and separates no. 173-174 and no. 175 which indicates that historically the buildings were likely to be separate.

(d) Land designation criteria - “If land covered by, or within the curtilage of, the building –

- (i) is or forms part of a site of special scientific interest;*
- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;”*

The site does not form part of a site of special scientific interest, listed building nor land within its curtilage, a Scheduled monument or land within its curtilage, safety hazard area, nor military explosive storage area.

(e) Landscape designation criteria - “if the building is within–

- (i) an area of outstanding natural beauty;*
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
- (iii) the Broads;*
- (iv) a National Park; or*
- (v) a World Heritage Site;”*

It can be confirmed the site is not within a landscape designation criteria.

(f) Agricultural tenancy criteria - “If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;”

It can be confirmed the site is not occupied under an agricultural tenancy.

(g) Previous use criteria - “before 1 August 2022, if–

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

Complies.

Conditions

MA.2.—(1) Confirms that development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

and the provisions of paragraph W (prior approval) apply in relation to that application.

Assessment of MA.2.—(1)

- (a) Transport impacts of the development, particularly to ensure safe site access**

The Council's Transport Strategy Team raise no objection to prior approval being given as the change of use is not considered to have a material increase or a material change in the character of traffic in the vicinity of the site (as required by paragraph W(5)(a) given the scale of the development, the location and extensive parking restrictions in the area.

(b) Contamination risks in relation to the building

No groundworks are required as part of the change of use. RBC Environmental Protection Officers do not raise any concerns over contaminated land. The proposal is deemed acceptable in this respect.

(c) Flooding risks in relation to the building

The site is not located within Flood Zones 2 or 3 and as such the proposals are acceptable in flood risk terms.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

The surrounding area is a mixture of commercial and residential use. Some level of noise is expected within a town centre location. RBC Environmental Protection Officers have reviewed the noise assessment and mitigation report submitted with the application and are satisfied with the mitigation measures proposed. A condition is recommended to secure detailed specification of the mitigation measures.

(e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The site is located within the Market Place / London Street Conservation Area. The proposed change of use involves part change of use of the ground floor of the building to provide internal communal facilities for the proposed flats. However, externally the proposals do not seek to alter the principal façade of the building and would utilise an existing door to the building frontage to provide access. Utilising the existing entrance door is not considered to detrimentally impact upon the character or sustainability of the conservation area.

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

Statutory Instrument 2020:632 introduces the requirement that consideration is given in respect to the provision of adequate natural light in all habitable rooms. This requires examination of the detailed floor plans and a judgement to be

exercised as to whether appropriate levels of light can be achieved to rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways.

All rooms used for sleeping or living within the proposed development would be served by good sized windows. A daylight assessment has been submitted with the application and all such rooms are considered to be served by adequate natural light.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The site is not within a core employment area or located in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.

The development does not result in the loss of services provided by a registered nursery, or health centre maintained under the relevant sections. Whilst the site had previously been in use as a healthcare facility, the site is currently vacant and therefore no service would be lost.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

A Fire Statement would be required if the development involves the development of an existing 'relevant building'. These new criteria applies to a building which satisfies the height condition in paragraph (3) of the Procedure Order and contains— (a) two or more dwellings; or (b) educational accommodation. Paragraph (3) states the height condition is that— (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys.

Whilst the development contains 20 new dwellings, the height of the building is less than 18m and fewer than 7 storeys.

Recommendation:

Prior Approval is REQUIRED and GIVEN, subject to conditions:

1. This development under Class MA is permitted subject to it being completed within a period of 3 years starting with the prior approval date on this decision notice.

REASON: To comply with the requirement of paragraph MA.2.—(5) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

- Allen Planning Ltd Supporting Letter
- Jostect Noise Survey Report ref. 2212704
- Internal Illuminance Analysis ref. ROL.21
- jw1077-100 rev C - Location Plan
- jw1077-040 rev B - Proposed Elevation sheet 1
- jw1077-038 rev B - Proposed Third Floor Plan
- jw1077-037 rev B - Proposed Second Floor Plan
- jw1077-036 rev B - Proposed First Floor Plan
- jw1077-030 rev A - Existing Elevations Sheet 1
- jw1077-028 rev A - Existing Third Floor Plan
- jw1077-027 rev A - Existing Second Floor Plan
- jw1077-026 rev A - Existing First Floor Plan
- jw1077-025 rev A - Existing Ground Floor Plan
- jw1077-035 rev C - Proposed Ground Floor Plan

Received by the Local Planning Authority on 19th April 2022

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

3. No development shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and the and that the individual noise events do not exceed 45 dB LA,max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the

accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

REASON: These details are required due to insufficient information being contained within this submission and in order to safeguard the amenity of occupants in accordance with Policies CR6 and CC8 of the Reading Borough Local Plan 2019.

Informatives:

1. The proposal meets the relevant criteria set out in Class MA.
2. The applicant is advised that this decision represents the determination of the Local Planning Authority in respect of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as to whether Prior Approval is required in respect of the change of use only. Class MA does NOT afford any permitted development rights for external works which affect the exterior of the building in order to implement the change of use.

Informatives:

- 1) Drawings/ Documents considered
- 2) Option to withdraw