DELEGATED APPLICATION REPORT

SITE ADDRESS:	**Soane Point 6-8 Market Place Reading**
APPLICATION NUMBER:	**210880/OPA**
PROPOSAL:	**Change of use of building Class B1(a) (offices) to C3 (dwelling houses) to comprise 100 dwellings. Prior notification under class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)**
TARGET DATE:	**22/07/2021**

Introduction

The application site comprises 6 storey building located on the east side of Market Place. The building is access at ground floor level from Market Place and at basement level from Abbey Square to the rear.

The building is not listed but is located within the Market Place/London Street Conservation Area

Proposal

Change of use of building Class B1(a) (offices) to C3 (dwelling houses) to comprise 100 dwellings. Prior notification under class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)Order 2015 (as amended)

Information Submitted

- Headoffice 3 – Flood Risk Assessment letter
- TPS Transport Statement ref. P1633_20210325 revision 2 (20th May 2021)
- RGS Contamination Assessment ref. C1561/21/E/2435.rev 2 (18th May 2021)
- Mes Building Solutions Internal Daylight Report (26th May 2021)

- Site Location Plan – Ref: A(02)XX-001 Rev P1
- Site Plan – Ref: A(90)XX-001 Rev P1
- Proposed Lower Ground Floor Plan – Ref: A(03)B1-001 Rev P2
- Proposed Ground Floor Plan – Ref: A(03)00-001 Rev P2
- Proposed 1st Floor Plan - Ref: A(03)01-001 Rev P3
- Proposed 2nd Floor Plan - Ref: A(03)02-001 Rev P3
- Proposed 3rd Floor Plan - Ref: A(03)03-001 Rev P3
- Proposed 4th Floor Plan - Ref: A(03)04-001 Rev P3
- Existing Lower Ground Floor Plan – Ref: A(01)B1-001 Rev P2
- Existing Ground Floor Plan - Ref: A(01)00-001 Rev P2
- Existing First Floor Plan - Ref: A(01)01-001 Rev P1
- Existing Second Floor Plan - Ref: A(01)02-001 Rev P1
- Existing Third Floor Plan - Ref: A(01)03-001 Rev P1
- Existing Fourth Floor Plan - Ref: A(01)04-001 Rev P1
- Existing Elevations – Ref: A(04)XX-001 Rev P1; A(04)XX-002 Rev P1; A(04)XX-003 Rev P1

Received by the Local Planning Authority on 28th May 2021

- Venta Acoustics Noise Impact Assessment ref. VA3600.210526.NIA2.4 (26th May 2021)

Received by the Local Planning Authority on 29th June 2021

Policy Context

Legal context

Class O allows development consisting of a change of use of a building and any land within its curtilage to Class C3 dwellinghouses (houses or flats) from a Class B1(a) office use.

As set out in Para 0.2 of Class O (as amended), development is permitted subject to the condition that before beginning the development, the development shall apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to:

(a) transport and highways impacts of the development,
(b) contamination risks on the site,
(c) flooding risks on the site, and
(d) impacts of noise from commercial premises on the intended occupiers of the development,
(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

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

In this case, having initially reviewed the application, the Local Planning Authority has determined that prior approval is required in this instance due to the potential impact concerning points a), b), c), d) and e).

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

It is pertinent to note that new legislation was introduced from 1st August 2020 in relation to prior approval also being required in relation to natural light considerations.

Similarly, on 30th September 2020 the Housing Secretary announced that homes delivered through permitted development rights will have to meet with the nationally prescribed space standards at a minimum (Article 3 para 9A)

Reading Borough Local Plan 2019

EN16 Pollution and Water Resources
EN18 Flooding
EM3 Loss of Employment Land
TR3 Traffic Access and Highways Related Matters
CC8 Safeguarding Amenity

Planning History

091332 - Replacement of access gates to the rear of the property from Abbey Square – Granted.

101041 - Alterations between B1 and A1 class 1 use with associated changes to s hop frontage - Granted

171756 - External alterations to the part of the building also known as Market Place House to include 1.1m high railings to enable use of the rear second floor roof area as outdoor amenity space - Granted

200918 - Internal and external refurbishment works to existing office building, including alterations to building frontage on Market Place and Abbey Square, roof extensions of between one and three storeys to existing building and five storey side extension to the north elevation to Abbey Square to provide a total 10, 921 sqm of new and refurbished B1 (a) office space with servicing from Abbey Square and retention of existing ground floor retail units on Market Place – Withdrawn

210478 - Change of use of part of the ground floor, part basement, and upper floors from office use Class B1(a) to C3, 144 studio apartments. Prior Notification under Class 0, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)Order 2015 – Prior Approval Refused

211018 - Change of use of building Class B1(a) (offices) to C3 (dwelling houses) to comprise 100 dwellings. Prior notification under class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)Order 2015 (as amended) – Under Consideration

Response to Publicity (Representations Received)

A site notice was displayed at the application site. No letters of representation have been received.

Appraisal

Development is not permitted by new Class O in the following instances (officer comments follow in **bold**):

(a) The building is on article 2(5) land **(Complies - none in Reading Borough)**
(b) The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order (i) immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use **(Complies – Business Rates records confirm that the upper floors of the building have been in use as office since 2005. Planning application history dating back to 2009 references permitted use of the upper floors as offices)**
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use **(Complies – as above)**
(d) The site is or forms part of a safety hazard area **(Complies - it does not)**
(e) The site is or forms part of a military explosives storage area **(Complies- it does not)**
(f) The building is a listed building or a scheduled monument **(Complies - the building is not a listed building or a scheduled monument)**

(1) Development under Class O.2 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 and highways impact of the development,
(b) contamination risks on the site,
(c) flooding risks on the site, and
(d) impacts of noise from commercial premises on the intended occupiers of the development
(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

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

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date

Assessment of conditions O.2

(a) <u>Transport and highways impact of the development</u>

The site is located within the Reading Central Area and within Reading's primary shopping area. The site is located within Zone 1 of the adopted Parking Standards and Design SPD which is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments, with limited residential. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces.

Market Place accommodates a broad mix of town centre uses, with retail shops, restaurants, cafes, bars, offices and other services being commonly found at street

level in the vicinity to the site. Market Place has vehicle access restricted to buses, taxis and permit holders between 07:00-11:00 and 16:00-19:00 and forms part of the town centre bus loop.

The application proposals are for the change of use of part of the ground floor, part basement, and upper floors from office use Class B1(a) to 100 dwellings comprising of 76 studios and 24 1-bed units under Class 0, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The ground floor retail units will be retained as part of the proposals.

The site currently benefits from on-site parking at lower ground floor and ground floor levels providing approximately 98 parking spaces. However, the supporting Transport Statement indicates that the proposed apartments will be car-free in nature, with the car parking provision for the existing office use not included within the proposals. No information is submitted regarding the future use of the existing parking spaces.

The existing vehicle access off Abbey Square will be retained with a new refuse collection point incorporated near the existing vehicle entrance. The plans indicate that a total of 9 refuse and 9 recycling bins will be provided, collected on a twice weekly basis. It is assumed this will be via a private contractor.

Pedestrian access to the site will be taken primarily from Market Place, however, pedestrian / cycle access will be taken from Abbey Square. A minimum of 75 secure cycle parking spaces will be provided in a secure cycle store, located at lower ground floor level.

It is accepted that the existing office use will generate more vehicular trips in the peak hours than the proposed residential use. Given that no car parking is provided for the proposals, the associated impact will be negligible. In principle, Transport do not have any objections to prior approval being given as the change of use would not have a material impact on the character of the traffic in the vicinity of the site given the extensive parking restrictions in the area.

(b) Contamination risks

The initial risk assessment submitted concludes that there is no significant risk from contamination due to absence of likely pollutant linkages. The previous prior approval application on the site was refused on the basis that the contamination assessment did not take into account the risk from vapour from the existing basement and ground floor level car park upon the proposed communal amenity room located at ground floor level within the building. The current proposals have removed the ground floor amenity area from the proposed plans and Environmental Protection Officers are satisfied that there would not be any adverse contamination risks to future occupiers of the development.

(c) Flooding risks on the site

The site is not within Flood Zones 2 or 3. The proposals are considered to be acceptable in flood risk terms.

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

The submitted noise assessment concludes that some facades of the development will be affected by noise from mechanical plant such as kitchen extraction units. Whilst suitable glazing and mechanical ventilation is proposed to mitigate this, occupants of the flats overlooking the rear of the building where the existing plant equipment is located would not be able to open their windows without being exposed to noise which will potentially amount to a nuisance being up to 30 dBA above background levels according to the BS4142:2014 assessment. This impact is exacerbated by the fact the majority of the proposed flats are studio units consisting of a single room meaning that when a window is open there would not be any habitable part of the flats unaffected by noise.

In addition, given that the plant noise is continuous, there would be no quiet time for future occupiers, unlike with other town centre noises such as music venues/bars which quieten down during night time hours reducing the level of nuisance.

The application fails to demonstrate that future occupiers of the flats would not be subject to unacceptable noise impacts from existing surrounding commercial premises.

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

Each of the units would be served by at least one large window and given the small size of the flats (1 room – open plan) proposed it is considered that this would provide for adequate outlook and receipt of natural daylight. A detailed daylight assessment has also been submitted with the application which concludes that all of the units would be subject to an average daylight factor within the BRE recommended

guidelines. It is considered that the application satisfactorily demonstrates that habitable rooms within the development would be served by adequate natural light.

Assessment of Article 3 Para 9 a)

Article 3 Para 9 a) - Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouses—

> (a) where the gross internal floor area is less than 37 square metres in size; or
> (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 (Nationally Prescribed Space Standards)

The Gross internal floor area of each of the proposed dwellings would exceed 37m2.

Conclusion
Prior Approval is refused and not given in respect of impacts of noise from commercial premises on the intended occupiers of the development.

Reason for Refusal

1. The application fails to demonstrate that future occupiers of the development would not be adversely impacted upon by commercial noise. The submitted noise assessment concludes that some facades of the development will be affected by noise from mechanical plant such as kitchen extraction units. Whilst suitable glazing and mechanical ventilation is proposed to mitigate this, occupants of the flats overlooking the rear of the building where the existing plant equipment is located would not be able to open their windows without being exposed to noise which will potentially amount to a nuisance, being up to 30 dBA above background levels according to the BS4142:2014 assessment, which would result in a significant adverse impact on their residential amenity. This impact is exacerbated by the fact the majority of the proposed flats are studio units consisting of a single room meaning that when a window is open there would not be any habitable part of the flats unaffected by noise. In addition, given that the plant noise is continuous, there would be no quiet time for future occupiers, unlike with other town centre noises such as music venues/bars which quieten down during night time hours reducing the level of nuisance. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph O.2 (1) (d) of Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:
Prior Approval if REFUSED and NOT GIVEN for the above reason.