

DELEGATED APPLICATION REPORT

SITE ADDRESS:	17 Friar Street Reading
APPLICATION NUMBER:	211214/OPA
PROPOSAL:	Change of use of from Class B1(a) (offices) to C3 (dwelling houses) to comprise 23 dwellings. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015
TARGET DATE:	16/09/2021

Introduction

The application site comprises a five-storey building located on the north side of Friar Street on the corner junction with Station Road. The ground floor of the building is occupied by a bar/restaurant (Pitcher and Piano) and a nightclub (Q Club).

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

Proposal

Change of use of from Class B1(a) (offices) to C3 (dwelling houses) to comprise 23 dwellings. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Information Submitted

- o Drawing No: RBA_238_(2-)_A001 Rev P1 - 'Existing Location Plan';
- o Drawing No: RBA_238_(2-)_A010 Rev P1 - 'Existing and Proposed Block Plan';
- o Drawing No: RBA_238_(2-)_A002 Rev P1 - 'Existing Ground Floor Plan';
- o Drawing No: RBA_238_(2-)_A003 Rev P1 - 'Existing First Floor Plan';
- o Drawing No: RBA_238_(2-)_A004 Rev P1 - 'Existing Second Floor Plan';
- o Drawing No: RBA_238_(2-)_A005 Rev P1 - 'Existing Third Floor Plan';
- o Drawing No: RBA_238_(2-)_A006 Rev P1 - 'Existing Fourth Floor Plan';
- o Drawing No: RBA_238_(2-)_A100 Rev P2 - 'Proposed Ground Floor Plan';
- o Drawing No: RBA_238_(2-)_A101 Rev P3 - 'Proposed First Floor Plan';
- o Drawing No: RBA_232_(2-)_A102 Rev P3 - 'Proposed Second Floor Plan';
- o Drawing No: RBA_238_(2-)_A103 Rev P3 - 'Proposed Third Floor Plan';
- o Drawing No: RBA_238_(2-)_A104 Rev P3 - 'Proposed Fourth Floor Plan';
- o Drawing No: RBA_238_(2-)_A104 Rev P2 - 'Existing & Proposed Roof Plan';
- o Drawing No: RBA_238_(2-)_A301 Rev P2 - 'Proposed Apartment Type A';
- o Drawing No: RBA_238_(2-)_A302 Rev P2 - 'Proposed Apartment Type B';
- o Drawing No: RBA_238_(2-)_A303 Rev P2 - 'Proposed Apartment Type C';
- o Drawing No: RBA_238_(2-)_A304 Rev P2 - 'Proposed Apartment Type D';
- o Drawing No: RBA_238_(2-)_A305 Rev P2 - 'Proposed Apartment Type E';
- o Drawing No: RBA_238_(2-)_A306 Rev P2 - 'Proposed Apartment Type F';
- o Drawing No: RBA_238_(2-)_A307 Rev P2 - 'Proposed Apartment Type G';
- o Drawing No: RBA_238_(2-)_A308 Rev P2 - 'Proposed Apartment Type H';

- o Drawing No: RBA_238_(2-)_A309 Rev P2 - 'Proposed Apartment Type I;
- o Drawing No: RBA_238_(2-)_A310 Rev P2 - 'Proposed Apartment Type J;
- o Drawing No: RBA_238_(2-)_A201 Rev P2 - 'Existing & Proposed Elevations [Sheet 01];
- o Drawing No: RBA_238_(2-)_A202 Rev P2 - 'Existing & Proposed Elevations [Sheet 02];
- o Drawing No: RBA_238_(2-)_A203 Rev P2 - 'Existing & Proposed Elevations [Sheet 03];
- o Drawing No: RBA_238_(2-)_A204 Rev P2 - 'Existing & Proposed Elevations [Sheet 04];
- o BT22 Car Park Plan
- o County House - Accommodation Schedule - P2
- o Tuffin Ferraby Taylor Daylight and Sunlight Amenity Letter ref. 2021/CoU/RN
- o Hydrock Transport Statement ref. 20281-HYD-XX-XX-RP-TP-4001-P01
- o Nova Acoustics Environmental Noise Survey, Noise Break-In Assessment & Sound Insulation Scheme ref. 6323MS 01

Received by the Local Planning Authority on 23rd July 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 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).

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

TR3 Traffic Access and Highways Related Matters

CC8 Safeguarding Amenity

Planning History

None.

Response to Publicity (Representations Received)

A site notice was displayed at the application site. One letter of objection has been received from the occupiers of the existing bar/restaurant/nightclub uses to the ground floor of the building raising the following issues:

- The proposals would adversely impact on the function and operation of existing surrounding commercial uses (agent of change effect)
- The submitted noise assessment does not properly consider the impacts the existing ground floor bar/restaurant uses. At the time of the noise survey the bar/restaurant was operating on reduced hours whilst the nightclub was not permitted to open due to the ongoing Covid19 pandemic.

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 rated offices since 2004**)
- (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

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), d) and e).

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) Transport and highways impact 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 proportion of public car parking spaces and is close proximity of the Oracle shopping centre and multi-storey car park. Friar Street/Broad Street and the surrounding road network all have parking restrictions preventing on-street parking, therefore, any overflow in parking would not affect flow of traffic on the classified road network. Friar Street/Broad Street do not fall within a Resident's Permit Zone and the residents will not be eligible to apply for a Residents Parking Permit and therefore the appropriate informative would be applied preventing future occupants applying for permits

The building has access to 41 car parking spaces within the basement of the building, these spaces are currently under separate private lease agreements, as such no car parking will be provided with for this site. A car free development in this allocation would be deemed acceptable given its central location.

The existing servicing arrangements will remain unchanged as part of this development. Refuse collection will be taken internally within the site from the designated area.

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

The submitted noise report states that the noise survey was undertaken between Friday 2nd July and Monday 5th July 2021. However, at this time bars and restaurants were operating on reduced levels due to social distancing as a result of the Covid19 pandemic, whilst nightclubs were not permitted to open until 19th July 2021. Therefore, it is not considered that the submitted noise assessment has fully considered the noise impacts of the surrounding commercial uses and particularly those to the ground floor of the existing building.

It is considered that the submitted noise assessment fails to fully assess the potential commercial noise impacts on the development and therefore fails to demonstrate that the mitigation measure proposed would be sufficient to prevent future occupiers from being subject to unacceptable noise impacts.

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 multiple windows which is considered to provide for adequate outlook and receipt of natural daylight. A 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 Nova Acoustics Environmental Noise Survey, Noise Break-In Assessment & Sound Insulation Scheme ref. 6323MS 01 states that the noise survey was undertaken between Friday 2nd July and Monday 5th July 2021. However, at this time bars and restaurants were operating on reduced levels due to social distancing as a result of the Covid19 pandemic, whilst nightclubs were not permitted to open until 19th July 2021. Therefore, it is not considered that the submitted noise assessment has fully considered the noise impacts of the surrounding commercial uses and particularly those to the ground floor of the existing building. 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 is REFUSED and NOT GIVEN for the above reason.