

DELEGATED APPLICATION REPORT

Ward: Park

App Ref: 181533/FUL

Address: 62 Manchester Road, Reading, Berkshire, RG1 3QN

Proposals: Conversion of existing commercial basement to a 1-bed flat (Class C3)

Case Officer: Nathalie Weekes

Applicant: Mr Wazir Hussain

Date received (valid from): 3 September 2018

Target Decision date: Originally 29/10/18, but an extension of time was agreed until 30 November 2018

Site Description and Surrounding Area

The application site currently contains a mixed use building at the corner of Manchester Road and Liverpool Road. At ground floor level is a retail unit with associated storage at basement level, and at upper floor levels is residential use. The site is not located within a conservation area and the existing building is not listed. The surrounding area is predominantly terraced residential streets.

Proposal

The proposal is for a change of use, with proposed revised plans to convert the basement storage area for the ground floor retail unit into habitable use (as a self-contained one-bed flat) following planning permission 180491 on 30th April 2018 which granted an extension to the basement for the ground floor retail unit.

The proposed plans include dividing the basement area into a bedroom, kitchen, shower room and dining room with the inclusion of additional fenestration and doors. The case officer noted at the time of the officer site visit that additional windows had been inserted in the dining room/living room walls that are not illustrated on the plans submitted.

The proposed residential floorspace is 33.2m.

Works on the basement extension, as per permission 180491, had commenced at the time of the officer site visit.

Plans considered

Location plan

1065/6/a Block plan

1065/7 Basement as existing

1065/8 Proposed Basement flat

Received on 3rd September 2018

Relevant Planning History

180491 Single-storey basement extension to existing commercial unit. Permitted 30th April 2018

Consultations

A site notice was displayed at the property from 27/09/18. No letters of representation have been received.

RBC Environmental Protection requested the inclusion of an informative on noise and dust in relation to any construction works and noise between the floors of the building.

RBC Environmental Health - Concerns were raised in terms of the quality of proposed housing and the requirement for the proposed works to require approval from the Council's building control office in relation to concerns about fire safety, means of escape, ventilation and sound insulation that need to be reviewed and addressed by building control if works proceed.

Means of escape

Due to the layout of the dining/living room and the bedroom, the proposed means of escape would be a risk to vulnerable groups including the elderly and the proposed arrangement (unless mitigated by other fire safety features) would require the Council to take enforcement action under Part I of the Housing Act 2004. It was noted that there is no indication of any other proposed alternative measures, although this is a planning application rather than an application for building regulation approval.

Light

The HHSRS Operating Guidance states that poor access to natural daylight and outlook can be both isolating and increase the likelihood of harm to mental health. It is likely that poor access to light and outlook is considerably above the national average and should not be allowed based on the plans submitted.

- A stair well leading down to an entrance door leading into the dining/living room. Having seen photographs taken by the planning officer, the view through the glazing would be the brick stair well, a nearby roof and part of the sky.
- Again from photographs taken by the planning officer, the view from the windows within the bay of the dining/living room would be of a brick wall.
- The view from the bedroom would largely be of a light well with a steel grille on top. The outlook would therefore be restricted.

An informative should be added on fire safety between mixed uses, if permission were to be granted: **Fire safety between mixed uses - informative** - LACORS guidance states that there should generally be 60 minutes imperforate fire separation between residential and commercial units in the same building. If the commercial unit represents a low fire risk, it may be possible to reduce this to 30 minutes imperforate separation if there is an automatic fire detection system in the commercial parts, which is linked to the residential system.

RBC Transport - The development site is located within an area where the Council's Residential Parking Permit scheme operates therefore parking is regulated and monitored via the administration of the scheme and patrols undertaken by Traffic Enforcement Officers. The proposed basement flat would not be entitled to a residents permit. Insufficient evidence has been provided in relation to the provision of cycle storage or waste collection. Additional illustrations relating to cycle storage and waste collections would be required in addition to an informative on Highways.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

National Planning Policy

National Planning Policy Framework (2018)

Reading Borough Local Development Framework Core Strategy (2008) (Altered 2015)

CS1: Sustainable Construction and Design
CS2: Waste Minimisation
CS5: Inclusive Access
CS7: Design and the Public Realm
CS12: Maintaining a Variety of Premises
CS14: Provision of Housing
CS15 Location, Accessibility, Density and Housing Mix
CS20 Implementation of The Reading Transport Strategy (Local Transport Plan 2006-2011)
CS24 Car/Cycle Parking
CS34 Pollution and Water Resources

Reading Borough LDF: Sites and Detailed Policies Document (2012, as altered 2015)

SD1 Presumption in Favour of Sustainable Development

DM1: Adaption to climate change

DM4: Safeguarding Amenity

DM6: Affordable Housing

DM10: Private and Communal Outdoor Space

DM12: Access, Traffic and Highway-Related Matters

Supplementary Planning Guidance “Revised Parking Standards and Design” (2011)

Affordable Housing SPD (2013)

Technical housing standards - nationally described space standard, Department for Communities and Local Government, March 2015.

Appraisal

The main issues are:

- Principle land use issues - loss of commercial space / principle of residential
- Design
- Quality of accommodation for future occupiers
- Amenity impacts for nearby occupiers
- Transport
- Other matters - Affordable Housing, Sustainability, Flooding, CIL, Inaccuracies on plans , Equalities

Principle of the change of use

The plans approved in planning application 180491 on 30th April 2018 established permission for the basement to be extended for use ancillary to the retail use at ground floor level. The basement was previously used for storage. The proposed basement was already established and within the existing footprint and curtilage of the mixed use dwelling with limited impact on neighbouring properties and appropriate for ancillary use for the existing retail unit. The proposal will result in the overall reduction of floorspace within the retail unit, and this will solely be at ground floor level rather than being split between basement and ground floor. However, in short, it is considered that a retail use could continue to function at ground floor without the existing basement area. As such, there are no in-principle issues with the loss of the existing floorspace use.

In terms of the proposed use, an additional residential unit would align with the broad objectives of Policy CS14, in assisting in meeting the annual housing targets. Therefore in the broadest of terms of the principle of a residential use would be welcomed. However, as set out separately below, the standard of the residential accommodation is not suitable in this instance.

Design

Policy CS7 (Design and the Public Realm) of the Core Strategy also states that all development must be of high design quality that maintains and enhances the character and appearance of the area. This application is solely for change of use, as external works have already been approved separately and, based on the officer site visit, have been partly implemented. As such, no design based concerns are raised.

Quality of accommodation for future occupiers

There are a number of significant shortfalls in the quality of accommodation proposed, which means in overall terms there would be a significant detrimental impact to the living environment of the new residential property. More specifically:

- Significant lack of outlook to both the living/dining/kitchen and bedrooms, with limited size of windows/doors and constrained by the enclosed nature of the existing lightwell and yard (a large black façade and concrete steps up to ground level). As such, future occupiers are likely to suffer a sense of enclosure, to the detriment of their amenity.
- It has been failed to demonstrate that future occupiers would enjoy sufficient access to natural day/sunlight within the proposed habitable rooms (no assessment submitted). It is considered that, in particular, the levels of natural day/sunlight will be limited to the bedroom, owing to the subterranean nature of the unit and the limited size/ form of the lightwell at this point
- The overall size of the unit is 33.2sqm, which is below the minimum national space standard size of 37sqm for the internal floor area of a 1 storey 1 bedroom dwelling for 1 person. Although these standards are not yet formally adopted by the local planning authority (although this is imminent with the likely adoption of the New Local Plan) it is another indication of the poor standard of accommodation proposed.
- Step free access to the basement flat is not possible, with access only possible via steps. This is another identified shortfall in the proposal, although this factor in itself is not considered sufficient to warrant the refusal of the application.
- The application has not adequately demonstrated how cycle storage and bin storage would be provided within the block plan. Waste collection would need to be collected from ground level however the entire area within the block plan is at basement level. This is unacceptable in terms of policies CS23 and CS24. However, it is considered that this could be overcome with details submitted via condition in the event of a permission (e.g. space within the basement yard could be set aside for this, albeit this is far from ideal given the stepped entrance). As such, although considered far from ideal, this specific point will not form part of the reason for refusal. However, it is another indicator to the overall poor standard of accommodation provided.
- RBC Environmental health raised concerns about fire safety, means of escape, ventilation and sound insulation. The proposed means of escape and the fire safety solution of the use of a fixed steel ladder with exit through an openable steel grill would not provide an accessible solution and could cause a risk to a vulnerable group. This may compromise standards and require action under Part I of the Housing Act 2004. There are concerns regarding ventilation and sound insulation resulting from the mixed use of the building. These matters are predominantly covered by separate legislation (therefore are not explicitly referenced in the reason for refusal), but are another indication of the shortfalls of the proposals
- The proposed patio area is surrounded on all sides with poor outlook, a large black façade and concrete steps up to ground level. As such, it is not considered to provide any meaningful external amenity space for future occupiers and this is another shortfall in the proposal, in the context of policy DM10. It is noted that had the above

outlook/day/sunlight concerns not been present in the scheme, officers may have been able to afford some flexibility on this matter (owing to the existing physical constraints of the site) - however, in light of the existing concerns, this is another factor which evidences an overall poor standard of accommodation.

Accordingly, it is therefore considered in overall terms that the quality of accommodation would be sub-standard for future occupiers, causing a significant detrimental impact to the living environment of future occupiers. In particular concerns are raised in relation to a lack of outlook (causing a resultant sense of enclosure), access to natural day/sunlight and the lack of any meaningful outdoor amenity space. These will be specifically referenced in the reason for refusal. A variety of other shortfalls are also indicated above, further illustrating the overall poor standard of accommodation, albeit (for a variety of reasons) these are not explicitly referenced in the reason for refusal. They are however indicative of the overall poor standard of accommodation.

Amenity impacts for nearby occupiers

The subterranean level of the accommodation means that in practical terms the proposals are unlikely to significantly impact on nearby occupiers to an extent to warrant a sustainable reason for refusal on this basis.

Transport

The property is located on the corner of Manchester and Liverpool Road and is located within Zone 2, Primary Core Area of the Council's adopted Parking Standards and Design SPD which directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading.

In accordance with the adopted SPD, the development would be required to provide parking provision of 1 space for a 1bedroom flat. The application form states that no off street parking is to be provided, therefore this falls below the Councils current standards; however given Manchester Road and the surrounding roads are in a CPZ where a residential parking scheme operates, unauthorised on street parking can be controlled via the administration of the scheme and patrols undertaken by Traffic Enforcement Officers. The proposed C3 dwelling would not be entitled to residents or visitor permits. Had the proposals been recommended for approval, this would have been secured via condition.

Matters in relation to cycle and waste storage are referenced in the quality of accommodation section above.

Other matters - Affordable Housing, Sustainability, Flooding, CIL, Inaccuracies on plans, Equality Act

Affordable housing - In line with the application of Policy DM6, given the proposal involves change of use of fewer than 10 units, it is not liable to make a contribution to affordable housing. The full context is as follows:

West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit.

The High Court handed down its judgment on the case on 31st July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG.

The Secretary of State appealed the judgment and the Court of Appeal has now quashed the decision of the High Court.

Reading Borough Council has been considering its options for implementing its affordable housing policy in the light of this decision.

At its meeting of the Strategic Environment Planning and Transport Committee on 13th July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (the report can be found here:

http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf).

Having considered its options, the Committee agreed the following as the basis for determining planning applications where Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

Given the application of policy DM6, a contribution to affordable housing is not required in this specific instance. Accordingly, no s106 legal agreement is required either.

Sustainability - Given the nature of the proposals a sustainability statement, incorporating a BREEAM domestic refurbishment pre-assessment, should have been submitted with the application, to demonstrate how the proposals would seek to comply with policy CS1 and SPD requirements. No sustainability statement has been submitted, which is disappointing. However, it is considered that this should not form a reason for refusal of the application, as in the event of permission being granted this matter could have been secured via a two-part sustainability condition. The first, a pre-commencement condition, would have sought seeks a final design stage assessment and certificate to demonstrate that the unit would achieve the required 'very good' rating. The second element, secured prior to first occupation, would have secured a final BREEAM domestic refurbishment certificate of compliance with the 'very good' rating.

Flooding - The site is not located in flood risk area (zone 2 or 3) and therefore the proposed basement extension would not be prone to the risk of flooding. However, Thames Water recommended appropriate informatives on the previous application to address the disposal of surface water and minimum water pressure levels. Had the proposals been recommended for approval, this would have been detailed via an informative.

CIL - The applicant has submitted CIL liability information. Based on this (the basement having most recently been occupied in 2017) and the nature of the proposal (change of use) the proposal would not have been CIL liable at the time of writing had permission been granted.

Inaccuracies on plans - The proposed plans 1065/8 contain inaccuracies and does not accurately illustrate the windows in the corners of the dining/living area on the floor plans or in the bedroom area as shown in View C (as per the officer site visit). It is advised that in any future separate submission fully accurate plans will be required. An informative will be included on the decision notice outlining this.

Equality Act 2010: In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or

will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Conclusion

Whilst the loss of retail floorspace is not objectionable to and the proposal would assist in meeting the annual housing targets, the shortfalls in the quality of accommodation are such that these deficiencies are considered to outweigh any planning benefits of the proposals. Accordingly, when applying a critical planning balance, it is considered that the harmful impacts outweigh the benefits and consequently planning permission is recommended to be refused.

Recommendation

Refuse Planning Permission

1. The proposed basement flat would suffer from poor natural light levels with little or no direct sunlight penetration and poor ambient daylighting. Furthermore, it does not enjoy a satisfactory level of outlook, with the bedrooms and living areas looking straight out onto limited sized and enclosed lightwell/yard areas. In addition, inadequate outdoor amenity space would be provided. For these reasons the proposed will have a significant detrimental impact on the living environment of any new occupants by failing to provide a suitable level of amenity conducive to a Class C3 dwelling, contrary to Policies DM4 (Safeguarding Amenity) and DM10 (Private and Communal Outdoor Space) of the Reading Borough LDF: Sites and Policies Document (2012, as altered 2015).

Informatives

1. The refusal relates only to the following plans and drawings as received by the local planning authority:

Location plan

1065/6/a Block plan

1065/8 Proposed Basement flat

Received on 3rd September 2018

2. You are advised of inaccuracies on plans - The proposed plans 1065/8 contain inaccuracies and does not accurately illustrate the windows in the corners of the dining/living area on the floor plans or in the bedroom area as shown in View C (as per the officer site visit). It is advised that in any future separate submission fully accurate plans will be required.
3. The Local Planning Authority has worked positively and proactively with the applicant to issue the decision within the agreed extended timescale.