

DELEGATED APPLICATION REPORT - Application No: 170774/FUL

Address: 146 Friar Street Reading

Proposal: Change of use of first and second floor from B1a Office to C3 residential together with a third floor extension to the building and alterations to fenestration to provide 3 x self-contained one bedroom flats

Case officer: Matt Burns

Site Description and Surrounding Area:

The application site is located on the south side of Friar Street and consists of a three storey building occupied by a retail unit on the ground floor with office accommodation on first and second floors. The site is surrounded by a mixture of town centres uses. The adjoining building to the east (no.147) is grade II listed.

The site is located within the Reading Central Area, Central Core, Primary Shopping Area and Office Core Area within an existing designated Active Shopping Frontage. The site is also within an air quality management area.

Proposal: The application seeks planning permission for change of use of first and second floor from B1a Office to C3 residential together with a third floor extension to the building and alterations to fenestration to provide 3 x self-contained one bedroom flats.

The existing building is flat roof with a brick front façade. It is proposed to replicate this form by way of the proposed third floor roof extension.

The proposed alterations to fenestration include the addition of decorative window arches to the four existing second floor front windows and the enlargement of the four existing first floor front windows to reflect the position and proportions of the existing second floor windows (also including addition of decorative window arches). To the rear of the property it is proposed to insert an additional first floor window and replace an existing second floor window with a double set of doors and juliet balcony. The second floor window arrangement is to be reflected to the rear of the proposed third floor extension.

The proposal seeks to retain the existing A1 shop use at ground floor level and would utilise the existing separate ground floor entrance door to the upper floors from Friar Street.

Plans Considered:

Drawing ref.:

Site Location Plan - 471487, 173570

Block Plan

1110-E.110 - Existing front and rear elevations

1110-D.410 - Scheme D demolition works, front and rear elevations

1110-D.411 - Scheme D - Demolition works sections AA & BB

1110-E.102 - Existing First, Second floor and roof plans

1110-D.402 - Scheme D - demolition works first, second, & third/roof floor plans

1110-E.101 - Existing ground floor plan

1110-D.401 - Scheme D demolition works ground floor plan

1110-E.111 - Existing sections AA & BB
1110-P.410 - Scheme D proposed front and rear elevations
1110-P.402 - Scheme D proposed first, second and third floor plans
1110-P.401 - Scheme D proposed ground floor plan
1110-P.403 - Scheme D proposed roof plan
1110-P.411 - Scheme D proposed sections AA & BB
Received by the Local Planning Authority on 17th May 2017

Relevant Planning History:

172172/FUL - Change of use of first and second floor from B1a Office to a one-bedroom flat (C3) - Granted

170487/FUL - Change of use of first and second floor from B1(a) Office to C3 residential, together with a third floor and roof level extension to the building and alterations to fenestration to form 2 x two bedroom flats and 1 x 4 bedroom flat - Refused on design/heritage and absence of a s106 for affordable housing 19/10/18.

170654/FUL - Change of use of first and second floor from B1a Office to C3 residential to provide two self-contained flats, together with additional first floor window to rear elevation - Granted

150726/FUL - Proposed change of use of first and second floors from Consulting Rooms to Offices (B1) - Granted

140031/FUL - Change of use from opticians to Class A1 (shops) on the ground floor to include new shop front - Granted

140033/ADV - 1 fascia sign and 1 awning - Granted

13/00246/CLP - Change of use of 1st and 2nd floors from ancillary A1 use to C3 - Refused

97/00297/ADV - Fascia pod sign internally illuminated, double sided projecting sign internally illuminated - Granted

97/00025/FUL- Alterations to existing shop front to include an additional single door - Granted.

Consultation Responses:

Transport: No objections, subject to conditions.

Properties at 22, 24, 145, 147 and 148 Friar Street, 1 Station Road, 25a and 25b Ibis Reading Centre and Novotel Reading Centre Friar Street were notified of the application and a site notice was displayed. No representations were received.

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.

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'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) 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).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough LDF Core Strategy (Adopted January 2008) (Altered 2015)

- CS1 Sustainable Construction and Design
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS11 Use of Employment Land for Alternative Uses
- 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
- CS33 Protection and Enhancement of the Historic Environment
- CS34 Pollution and Water Resources

Sites and Detailed Policies Document - (Adopted October 2012) (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
- DM19 Air Quality

Reading Centre Area Action Plan 2009

- RC5 Design in the Centre
- RC6 Definition of the Centre

RC9 Living in the Centre
RC10 Active Frontages

Supplementary Planning Documents

Affordable Housing SPD (2013)

Revised Parking Standards and Design SPD (2011)

Revised SPD on Planning Obligations under Section 106 (2015)

Sustainable Design and Construction SPD (2011)

Appraisal

Principle of use

The upper floors of the building have only recently been converted to B1a office use from D1 consulting rooms under planning permission ref. 150726 (the upper floors have been occupied as offices).

Policy CS11 (Use of Employment Land for Alternative Uses) sets out a number of criteria to be considered when assessing loss of employment land outside of the designated core employment areas. Given the change of use to offices was only carried out recently, the availability of office accommodation within the Borough, small scale of the existing office floor space and also the prevalence of other recent applications granted for change of use from office to residential uses to the upper floors of buildings nearby (particularly within Queen Victoria Street) it is not considered that there would be an in principle objection to the loss of office accommodation in this location.

The National Planning Policy Framework (2012) encourages the effective use of land by reusing land that has been previously developed (brownfield land) and seeks that all housing applications should be considered in the context of the presumption in favour of sustainable development. The accessibility of the site is considered acceptable for the proposed development (CS4 of the Reading Core Strategy 2008, altered 2015) whilst the proposal would align with the broad objectives of Policy CS14, in assisting in meeting the annual housing targets. On this basis the use of the upper floors of the building as residential is considered acceptable, subject to the relevant material planning considerations below.

The proposal would retain the existing active frontage and retail use at ground floor level and together with the use of the existing independent ground floor access door to the upper floors would accord with Policy RC10.

Design and Character

Policy CS7 seeks to preserve or enhance the character of the area in which a development is located whilst CS33 seeks that development should preserve or enhance heritage assets, including their setting. Policy RC5 seeks to secure appropriate relationships between buildings, spaces and frontages within the centre of Reading.

The proposed third floor extension with flat roof and brick façade would reflect the form of the existing top floor of the building. In this respect the proposal is considered to

integrate satisfactorily with the existing building whilst the additional window detailing proposed is considered to enhance the appearance of the front elevation.

The flat roof of the proposed roof extension would be set below the height of both adjoining buildings. The proposal would align with the eaves position of no. 147 and would be positioned half way between the eaves and ridge of no. 145; together with the enhancements to fenestration it is considered the roof extension would satisfactorily integrate with the character of adjoining buildings and street-scene.

The proposal would remain subservient to the adjoined grade II listed building (no. 147), would have minimal effect on its fabric and is considered to preserve the setting of the building historic character.

The existing building has an oversized shop front fascia which is out of keeping with both adjoining buildings. The proposed reduction of the fascia space to accommodate the enlarged first floor front windows is again considered to enhance the appearance of the building as a whole with the street-scene.

The proposals are considered to accord with Policies CS7, CS33 and RC5; subject to conditions to secure details of materials and detailed drawing of the new windows in order to preserve the setting of the adjoined grade II listed building.

The proposals would not be served by private or communal amenity space. This is not uncommon for small developments of flats within the town centre and given the central location of the site which is well served by leisure and recreation facilities the lack of amenity space is not considered unacceptable. The proposal would accord with Policy DM10.

Amenity of surrounding occupiers

Policies DM4 and RC9 seek to protect the amenity of surrounding occupiers from the impacts of new development. Policy CS34 seeks to protect surrounding occupiers from the impacts of pollution associated with proposed development.

The proposed roof extension would remain subservient to both adjoining building and would not expand the footprint of the building. The proposal is not considered detrimental to any surrounding occupiers in terms of loss of light or overbearing impact.

Surrounded by commercial properties and with a yard area to the rear it is not considered that the proposed change of use of extension would result in any undue overlooking, loss of privacy or disturbance to nearby occupiers.

The proposal is considered to accord with Policies DM4, RC9 and CS34.

Amenity of Future Occupiers

Policy DM4 seeks to protect the amenity of future occupiers of development whilst Policy CS34 seeks to minimise the impact of pollution on proposed developments. Policy RC9 of

also seeks that new residential development within the Town Centre is adequately protected from surrounding noise and disturbance sources.

Each of the flats proposed is considered to be of a suitable size with acceptable outlook and daylighting and stacking or rooms between units.

The site is situated within a busy town centre location with a number of surrounding commercial uses with the potential to cause noise and disturbance to future occupiers. Any permission to introduce sensitive residential units into this location would therefore be subject to conditions to require noise and air quality assessment and mitigation schemes to be submitted and approved by the Local Planning Authority prior to commencement of development.

Subject to the above conditions the proposal is considered to accord with Policy DM4, RC9 and CS34.

Unit Mix

On the basis of the small number of units that are proposed and the need to extend the building in a sympathetic manner in order to protect the historic setting of the adjoined grade II listed building, the proposed mix of 3 x 1 bedroom units is considered acceptable and to accord with Policies CS15 and RC9. It is considered that more substantial extensions to accommodate a wider mix of units would likely harm the setting of the adjoined heritage asset.

Transport

The site is located within the Reading Central Area and within Reading's primary shopping area. The site is in a key central location, being situated on the corner of Friar Street and Queen Victoria and in close proximity to Reading rail station to the north. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces.

Friar Street itself is used by buses and has access restrictions in place during certain times of the day. There is a 24 hours restriction in place for Friar Street West Bound (except for buses and taxis) and time restricted access Friar Street East Bound. Access for loading and unloading (only) via Queen Victoria Street is restricted between the hours of 10am and 6pm.

There is no car parking provision and it is intended that the development will remain car free. Friar Street and the surrounding road network all have extensive parking restrictions preventing on-street parking. Therefore, the non-provision of parking is acceptable given the development sites town centre location. It should be noted that the development site is located in close proximity to a Residents Parking Permit Area; therefore if this application is approved there should be an assumption that any future occupants of the proposed dwelling will not be issued with a resident parking permit which should be covered by condition and an informative applied. This will ensure that the development does not harm the existing amenities of the neighbouring residential properties.

No Cycle storage has been proposed, given that it is unlikely that cycle parking is currently provided for the site, and the lack of external storage space, it is not considered that cycle parking is required for the proposal.

There is considered to be sufficient space within the units for waste and recycling to be stored (prior to on-street collections), without the need for a dedicated facility at ground floor level in this instance.

There are no transport objections to the proposal given that it is likely to generate fewer trips to the existing use. The proposal is considered to accord with Policies CS24 and DM12.

Sustainability

Policy CS1 of the Core Strategy, supported by the Council's Sustainable Design and Construction SPD seeks the proposal, as a 'creation of new residential units through Conversion', to comply with BREEAM Level of 'Very Good'. It is considered acceptable to deal with this matter by way of a suitably worded condition.

Affordable Housing

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 then quashed the decision of the High Court.

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 (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.

Whilst the proposal relates to the conversion of an existing property it incorporates a significant extension to the roof which facilitates provision of the provision of one of the three units proposed in its entirety. On this basis Policy DM6 is applied to the single unit not forming part of the conversion only and as would attract an equivalent contribution for provision of 10% of the housing to be provided off-site elsewhere in the Borough. A policy compliant contribution of £12,250 has been agreed with the applicant to be secured

by way of a Section 106 legal agreement. The principle of this matter has been tested at appeal on numerous occasions since the committee resolution above. There are over 20 examples of Inspectors finding in favour of the local planning authority on this matter, including decisions which have been issued and taken into account the 2018 version of the NPPF.

However, a S106 has not been forthcoming from the applicant despite numerous requests for a draft agreement to be provided. The required affordable housing contribution can therefore not be secured. This is contrary to Policy DM6 and the Council's Adopted Affordable Housing Supplementary Planning Document 2013, and represents a reason for refusal of the application.

Community Infrastructure Levy

The existing office space and first and second floor is in use and therefore the new floor space within the third floor extension only would be liable for CIL. This is an additional 62m² of floor space and would be levied at a rate of £120/sqm (subject to indexation).

CONCLUSION AND RECOMMENDATION:

The local planning authority considers that whilst there are some planning merits in the proposals (e.g. the principle of additional residential units in the borough), there are also shortcomings, critically the absence of a suitable s106 legal agreement to secure an appropriate and necessary contribution towards affordable housing. Therefore, when applying a critical planning balance to all material considerations (and all other factors / matters raised), the conflict is considered to outweigh any benefits of the proposal. Therefore, again having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations weigh against the granting of planning permission. Accordingly, planning permission is recommended to be refused.

REFUSE Planning Permission for the following reason:

1. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to policy CS9 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), policies DM3 and DM6 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015), and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

Informatives

1. This decision relates to the following drawings:

Drawing ref.:

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Block Plan

1110-E.110 - Existing front and rear elevations

1110-D.410 - Scheme D demolition works, front and rear elevations

1110-D.411 - Scheme D - Demolition works sections AA & BB

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1110-P.403 - Scheme D proposed roof plan

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2. The local planning authority has worked with the applicant in a positive and proactive way by allowing a significant length of time for a draft Section 106 legal agreement to be submitted. However, a legal agreement has not been forthcoming hence the issuing of this refusal notice.
3. Without prejudice to any future application or appeal, the applicant is advised that part of reason for refusal 1 could be overcome by entering into a Section 106 Legal Agreement or unilateral undertaking for a scheme that was in all other respects acceptable.
4. The applicant is advised that the refused scheme, had it been able to be approved, would have been a CIL (Community Infrastructure Levy) liable development.