

DELEGATED APPLICATION REPORT

SITE ADDRESS: 18 Bridge Street, Caversham, Reading, RG4 8AA
APPLICATION NUMBER: 24/1627
PROPOSAL: Change of use from Commercial, Business and Service (Use Class E), to mixed use of Class E and two flats above (Use Class C3). Prior Approval under Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Target Determination Date: 31/01/2025

Introduction

The application site is a three storey end terrace building on the west side of Bridge Street. The building is currently vacant but has been most recently in use as a baguette shop (Class E).

The site is within the Caversham District Centre and St Peters Conservation Area.

Proposal

Prior approval is sought under Class G of 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 building from Class E (baguette shop) to a mixed use of Class E (dental surgery) on the ground floor and 2 x C3 flats to the first and second floors of the building.

Information Submitted

- ET Planning Letter ref. 18 Bridge Street, Caversham, Reading, RG4 8AA dated 5th December 2024
- Drawing ref. P2401-01 - LOCATION PLAN AND BLOCK PLAN
- Drawing ref. P2401-02 - EXISTING PLANS AND ELEVATIONS
- Drawing ref. P2401-03 - PROPOSED PLANS AND ELEVATIONS
- BDS Flood Risk Assessment ref. TCG 6990-Flood Risk Assessment dated 5th November 2024
- ACA Noise Impact Assessment of a proposed residential development ref. 241025-R001 dated 28th November 2024

Received by the Local Planning Authority on 6th December 2024

Policy and Legal Context

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class G 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 mixed use of Class E and up to 2 Class C3 (dwellinghouses).

Before development can be carried out under Class G, 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:

- I. contamination risks in relation to the building;
- II. flooding risks in relation to the building;
- III. impacts of noise from commercial premises on the intended occupiers of the development;
- IV. the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- V. arrangements required for the storage and management of domestic waste.

Class G 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 G is to remain in use as the mixed use of commercial and 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 determines 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

20/0592 - Notification of Prior Approval for a Change of Use from retail, betting office or pay day loan shop or casino (Class A1 (shops) or Class A2 (financial and professional services)) to restaurant or cafe (Class A3). Prior Notification under Class C, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Given

24/1151 - Change of use from Commercial, Business and Service (Use Class E), to mixed a use of Class E and two flats above (Use Class C3). Prior Approval under Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Prior Approval Refused for the following reasons:

1. The application fails to adequately assess the flood risks posed by the development and to demonstrate that future occupiers of the development would not be subject to adverse flooding risk. The submitted flood risk assessment prepared by ET Planning fails to use the most up to date available information to assess flood risk, take into account the impacts of climate change on flood risk, consider how a range of flooding events (including extreme events) will affect people and property, demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change or identify a safe and adequate independent escape route for future occupiers in the event of flood. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (ii) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The application fails to adequately demonstrate that future occupiers of the development would not be adversely impacted upon by commercial noise from the proposed dentist surgery use to the ground floor of the building and associated use of dental equipment and machinery as well as from existing surrounding commercial uses, which include a tyre fitting garage with associated plant and machinery at no.5 Bridge Street opposite the site, and two nearby pubs (The Crown on Bridge Street and The Griffin on Church Road) with associated music and patron noise. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (iii) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The application fails to demonstrate adequate arrangements for the storage and management of domestic waste. No details of waste storage arrangements for either of the flats is provided, nor are details of how waste would be transferred from the flats to the collection point on the relevant day, or where this collection point is located. The application does not adequately show how waste would be managed so that waste sacks would not be left on the street or in other external areas near the site which would result in harm to the visual amenity of the area and character of the St Peters Conservation Area, or to show how waste would be managed to prevent attracting vermin and odours to the locality surrounding the application site. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (v) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consultations

RBC Transport – No objection.

RBC Environmental Protection – The application fails to adequately assess or demonstrate that future occupiers would not be adversely impact by commercial noise from the proposed dentist surgery use to the ground floor of the building (drills etc) as well as from existing surrounding uses which include a tyre fitting premises opposite the site and two nearby pubs (The Griffin and The Crown). The application also fails to demonstrate that future occupiers would not be adversely impacted by land contamination from landfill gas.

RBC Waste Services – Properties along this section of Bridge Street in Caversham have a weekly sack collection instead of a bin collection. I would propose that these residential properties also be added to the sack collection as they do not have any external bin storage space allocated to them.

The 2 flats would therefore need to have sufficient space internally to store and separate their waste in to the collected waste types of general waste, recycling and food waste. All waste would need to be stored within the property between collection days, as any waste left out on the street on the wrong day may be investigated as unauthorised waste disposal and can carry a Fixed Penalty Notice.

Environment Agency – Object. The submitted FRA (ref TCG 6990-Flood Risk Assessment) and planning statement (dated 5 December 2024) does not comply with the requirements for site-

specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. This proposal is also contrary to policy 'EN18: Flooding and Sustainable Drainage Systems' in the Reading Borough Local Plan. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- use the most up to date available information to assess flood risk
- take the impacts of climate change into account
- consider how a range of flooding events (including extreme events) will affect people and property
- demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event.

Publicity

A site notice was displayed at the application site on 29th December 2024.

No letters of representation have been received.

Appraisal

The proposal comprises the change of use of the building from Class E (baguette shop) to a mixed use of Class E (dentist surgery) and 2 x Class C3 (dwellinghouse) flats to the first and second floor. The proposal is required to be considered against the criteria and conditions contained within Part 3, of Class G. (1) (a)-(d), 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. It can be confirmed that the two proposed flats comply with these minimum space standards as illustrated in the accompanying plans.

Criteria G.1.—(1) Permitted Development Consisting of Change of Use of a Building — (a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;

Complies. The lawful use and last use of the building has been in Class E with a baguette shop on the ground floor and ancillary office/storage above (permitted under application ref. 200592).

(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;

N/A

(e) from a use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats.

N/A

Conditions

G.1— Development permitted by Class G is subject to the following conditions—

- a) **some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;**

Complies. The proposed Class E dental surgery use would be to the ground floor of the building only with the two flats proposed to the first and second floors above.

- b) **where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat**

Complies. The two flats are proposed to the upper floors and not the ground floor.

- c) **a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—**

- (i) **by a single person or by people living together as a family, or**

Complies. C3 dwellinghouse use proposed.

- (ii) **by not more than 6 residents living together as a single household (including a household where care is provided for residents)**

Complies. C3 dwellinghouse use proposed.

- d) **Before beginning 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 —**

- (i) **contamination risks in relation to the building;**

The RBC Environmental Protection Officer identifies that the proposed development lies on land within a former landfill site buffer zone. Whilst there is already a building there, the risks posed from landfill gas may be increased by the proposed changes to the building including e.g. sealing window openings to a greater degree than they are currently.

The proposal would also introduce new pollutant linkages between contaminated land and sensitive receptors at the site through the introduction of residential dwellings.

The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action.

A landfill gas risk assessment is required to be submitted assess the likely risks and to determine whether the site is suitable for the proposed use or can be made so by remedial action. Such an assessment has not been submitted with the application and therefore the proposal is not considered to be acceptable in respect of contamination risks and fails to demonstrate that future occupiers would not be adversely impacted by contamination risks at the site.

Matters relating to contamination were not a reason for refusal of the previous application ref. 24/1151 but have now been identified by the RBC Environmental Protection Officer as a constraint at the site. Officers have double checked with the RBC Environmental Protection Officer who has confirmed that the site is located within a landfill buffer zone and that an adequate land gas risk assessment (and if required a remediation scheme) is required to be submitted to the Local Planning Authority to demonstrate that there would be no contamination risk to future occupiers of the development.

(ii) flooding risks in relation to the building;

The Environment Agency (EA) object to the application and advise that The submitted FRA (ref TCG 6990-Flood Risk Assessment) and planning statement (dated 5 December 2024) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. This proposal is also contrary to policy 'EN18: Flooding and Sustainable Drainage Systems' in the Reading Borough Local Plan. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- use the most up to date available information to assess flood risk
 - take the impacts of climate change into account
 - consider how a range of flooding events (including extreme events) will affect people and property
 - demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change.
- Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event.

The proposal also fails to identify, and adequate safe and independent escape route can be provided for future occupiers of the development in the event of flood. The EA identify that escape route identified along Bridge Street to Church Street and Church Road would pose a danger to some people (e.g. the elderly and infirm) and no mitigation for this is proposed.

The proposal is not considered acceptable in respect of flood risk matters.

(iii) impacts of noise from commercial premises on the intended occupiers of the development;

There are potential commercial noise impacts on future occupiers of the proposed flats from commercial noise from the proposed dentist surgery use to the ground floor of the building (drills etc) as well as from existing surrounding uses which include a tyre fitting premises and associated plant and machinery opposite the site and two nearby pubs (The Griffin and The Crown) and associated music and patron noise. A noise assessment and mitigation scheme has been submitted with the application, but RBC Environmental Protection Officers advise that the assessment fails to adequately demonstrate that future occupiers would not be adversely impacted by commercial noise impacts.

The following deficiencies with the submitted noise assessment and mitigation scheme:

The rating level for the plant noise is predicted and found to be of significant impact at the rear, however it is not clear how this has been translated into recommendation for suitable mitigation. The predicted internal noise levels are in accordance with the recommended internal levels for anonymous noise but where the noise is from a specific source such as plant noise, a penalty should be applied.

There is no reference of noise at the rear from the pub garden, this is required to be taken into account as it will be present during the spring and summer months.

The submitted details do not incorporate a ventilation strategy. Where closed windows are relied upon to achieve acceptable internal noise levels, trickle vents are very unlikely to be sufficient ventilation unless an overheating assessment proves otherwise. Poor air quality to the front facade should be taken into account when selecting locations for ventilation inlets.

No information is included regarding how well insulated the first floor is from the ground floor which will be in commercial use. It is recommended that the assessment include a detailed scheme for protecting the dwellings from noise emissions from the commercial use. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the separating floor/ceiling between the uses achieves a minimum airborne sound insulation performance of greater than or equal to 55 dB (Dntw +Ctr) and ensures that the noise levels within the property do not exceed the values specified in BS8233:2014 with appropriate penalties and adjustments for the character of the noise. The scheme should make suitable provision for insulation from structure borne noise.

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

The submitted floor plans demonstrate that all habitable rooms within the proposed flats would be served by a window and have adequate access to natural light.

(v) arrangements required for the storage and management of domestic waste.

RBC Waste Services advise that properties along this section of Bridge Street in Caversham have a weekly sack collection instead of a bin collection and that the proposed residential properties be added to the sack collection as they do not have any external bin storage space allocated to them. They advise that the 2 proposed flats would therefore need to have sufficient space internally to store and separate their waste in to the collected waste types of general waste, recycling and food waste. All waste would need to be stored within the property between collection days.

The application does not provide any information as to how waste would be stored within each of the flats or how waste would be transferred from the flats to the collection point on the appropriate day. No dedicated refuse store for the flats is proposed. Without adequately demonstrating arrangements for storage and management of waste there is a risk that waste sacks may be left on the street or in other external areas near the site resulting in

harm to the visual amenity of the area and character of the conservation area as well as potential risk of attracting vermin and odours to the locality surrounding the application site.

Therefore, the proposal fails to demonstrate adequate arrangements for the storage and management of domestic waste.

Conclusion

Prior Approval is required but refused and not given in respect of the following matters:

- Commercial noise
- Flood risk
- Storage and management of domestic waste
- Contamination

Recommendation: REFUSE Prior Approval for the following reasons:

1. The application fails to adequately assess the flood risks posed by the development and to demonstrate that future occupiers of the development would not be subject to adverse flooding risk. The submitted flood risk assessment prepared by BDA Surveyors fails to use the most up to date available information to assess flood risk, take into account the impacts of climate change on flood risk, consider how a range of flooding events (including extreme events) will affect people and property, demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change or identify a safe and adequate independent escape route for future occupiers in the event of flood. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (ii) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The application and submitted noise impact assessment by ACA Acoustics fails to adequately demonstrate that future occupiers of the development would not be adversely impacted upon by commercial noise from the proposed dentist surgery use to the ground floor of the building and associated use of dental equipment and machinery as well as from existing surrounding commercial uses, which include a tyre fitting garage with associated plant and machinery at no.5 Bridge Street opposite the site, and two nearby pubs (The Crown on Bridge Street and The Griffin on Church Road) with associated music and patron noise. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (iii) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The application fails to demonstrate adequate arrangements for the storage and management of domestic waste. No details of waste storage arrangements for either of the flats is provided, nor are details of how waste would be transferred from the flats to the collection point on the relevant day, or where this collection point is located. The application does not adequately show how waste would be managed so that waste sacks would not be left on the street or in other external areas near the site which would result in harm to the visual amenity of the area and character of the St Peters

Conservation Area, or to show how waste would be managed to prevent attracting vermin and odours to the locality surrounding the application site. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (v) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. The application fails to demonstrate that future occupiers of the development would not be adversely impacted by contamination risks at the site. The building is located within a buffer zone of a former landfill site and therefore there are risks to future occupiers from landfill gas. The application fails to assess these risks or whether any remedial measures are required to make the development suitable for the proposed uses. Therefore, prior approval is refused and not given in respect of the criteria set out in paragraph G.1 (d) (i) of Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

1. Plans
2. Positive and Proactive