

## APPEAL DECISION REPORT

**Ward:** Abbey

**Appeal No:** APP/E0345/W/21/3284108

**Application Ref:** 210748

**Address:** Soane Point 6-8 Market Place Reading

**Proposal:** 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 O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

**Case officer:** Matt Burns

**Decision level:** Delegated. Refused 13<sup>th</sup> May 2021

**Method:** Written Representations

**Decision:** Appeal Allowed

**Date Determined:** 25<sup>th</sup> May 2022

**Inspector:** Rachael Pipkin

### 1. Background

1.1 The appeal site comprises a six-storey building located on the east side of Market Place with commercial uses to the ground floor, including Tesco, and office space above. The building is accessed 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.

1.2 The proposal was for change of the ground floor, part basement, and upper floors of the building from office use Class B1(a) to C3 for 144 studio apartments. The application was for prior approval under permitted development rights in relation to Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPD0). The permitted development prior approval process allows the Local Planning Authority (LPA) to consider only a limited range of matters in determination of the application which in this case included, transport and highways impacts of the development, contamination risks on the site, flooding risks on the site, impacts of noise from commercial premises on the intended occupiers of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouses.

1.3 There were 2 reasons for refusal, and these are summarised as:

- Failure to demonstrate that future occupiers of the flats would not be adversely impacted upon by contamination risks as a result of vapours from the existing ground floor level car park
- Failure to demonstrate that future occupiers of the flats would not be adversely impact by commercial noise from existing plant equipment serving the ground floor commercial uses within the building positioned on a flat roof at the rear of the building close to windows of the proposed flats. Future residents would not be able to open their windows to avoid overheating without being subject to a significant impact on their residential amenity as a result of noise from the existing plant equipment, particularly given each studio flat would only be served by a single window.

## **2. Summary of the decision**

2.1 In respect of the reason for refusal regarding failure to demonstrate that future occupiers of the flats would not be subject to contamination risks because of vapors from the existing ground floor car park, the Appellant submitted an updated contamination risk assessment with the appeal. RBC Environmental Protection Officers confirmed that this updated assessment satisfactorily demonstrated that future occupiers would not be subject to vapor risks and as such this reason for refusal was considered to have been overcome by the Local Planning Authority and the Inspector.

2.2 In respect of the reason for refusal regarding failure to demonstrate that future occupiers would not be subject to unacceptable noise impacts from existing plant equipment associated with the ground floor commercial uses of the building, the Appellant carried out relocation of the plant equipment to the basement car park during the course of the appeal and submitted revisions to the noise impact assessment as a result of this.

2.3 RBC Environmental Protection Officers confirmed that the results of noise assessment following relocation of the plant, together with the other noise mitigation measures proposed (glazing specification and mechanical ventilation), were such that future occupiers of the flats would not be subject to unacceptable commercial noise impacts. Furthermore, relocation of the plant and the resulting reduced noise levels were considered sufficient such that future residents would also be able to open their windows for natural ventilation purposes without undue noise disturbance. As such this reason for refusal was also considered to have been overcome by the LPA and the Inspector.

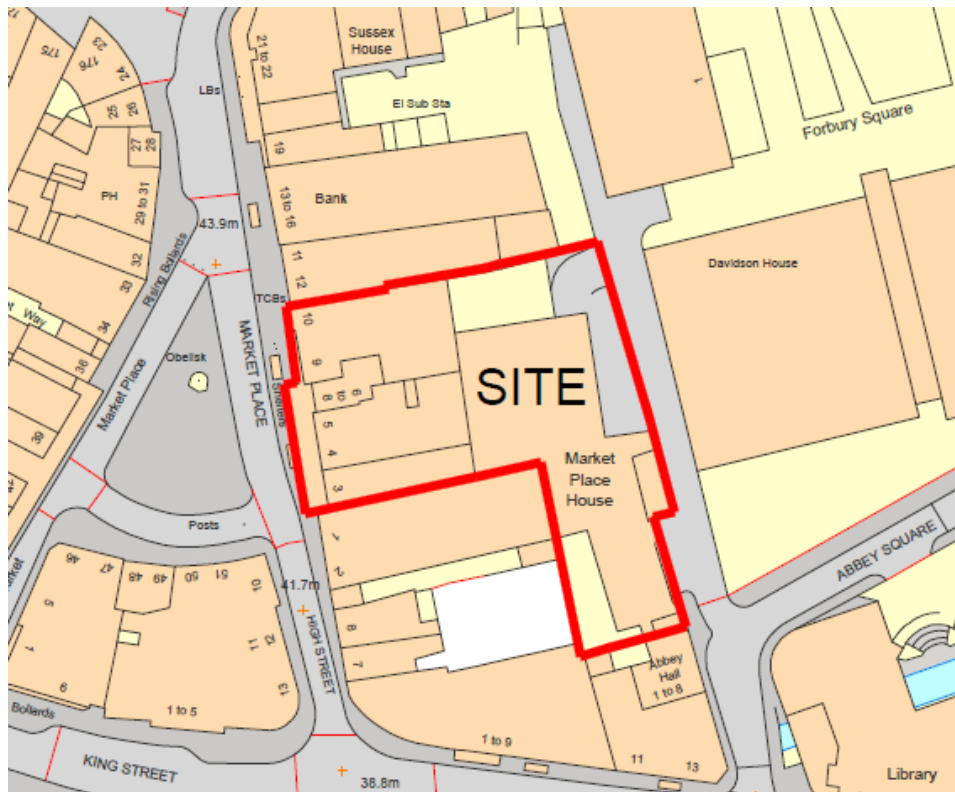
2.4 As such, the Inspector considered that the reasons for refusal of the prior approval had been overcome and allowed the appeal.

## **3. Officer Comments**

3.1 Offices are disappointed with the outcome of the appeal given the proposed 144 studio units falls well below the standard and mix of residential accommodation sought by the Local Plan. Further, it is not possible to secure provision of affordable housing or sustainability standards via such applications. Unfortunately, however, the permitted development prior approval process allows the LPA to consider only a limited range of factors in assessing such proposals.

3.2 The Inspector accepted the revised contamination and commercial noise assessments submitted by the Appellant reflecting the plant relocation work they had undertaken on-site during the course of the appeal. These revised studies overcame the technical contamination and commercial noise concerns with the proposals and given the limited focus for issues for these types of applications, the reasons for refusal effectively fell away.

# LOCATION PLAN



Case Officer: Matt Burns