



Appeal Decision

Site visit made on 24 May 2022

by **Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/E0345/W/21/3284108

Soane Point, 6-8 Market Place, Reading RG1 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Sagi Rubin of Tene Living against the decision of Reading Borough Council.
- The application Ref 210478, dated 25 March 2021, was refused by notice dated 13 May 2021.
- The development proposed is described as 'Change of use of part ground floor, part basement, and upper floors from office use (Class B1a) to 144 studio apartments (Class C3). Please refer to covering letter for further details'.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for change of use of part ground floor, part basement, and upper floors from office use (Class B1a) to 144 studio apartments (Class C3) at Soane Point, 6-8 Market Place, Reading RG1 2EG in accordance with the terms of the application, Ref 210478, dated 25 March 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following plans and drawings: P00004 – A(01)B1-001-P1, P00004 – A(01)00-001-P1, P00004 – A(01)01-001-P1, P00004 – A(01)02-001-P1, P00004 – A(01)03-001-P1, P00004 – A(01)04-001-P1, P00004 – A(02)XX-001-P1, P00004 – A(03)B1-001-P1, P00004 – A(03)00-001-P1, P00004 – A(03)01-001-P1, P00004 – A(03)02-001-P1, P00004 – A(03)03-001-P1, P00004 – A(03)04-001-P1, P00004 – A(04)XX-001-P1, P00004 – A(04)XX-002-P1, P00004 – A(04)XX-003-P1 and P00004 – A(90)XX-001-P1.
 - 2) No dwelling hereby permitted shall be occupied until the glazing, ventilation and any other noise mitigation specified within the approved Venta Acoustics Noise Impact Assessment Ref. VA3600.211001.NIA4.4, dated 1 October 2021, and approved BSG Soane Point Ventilation Strategy Report Ref. FINAL (Rev B / 144 Bed), dated 29 September 2021, have been installed in full in accordance with the approved details. Thereafter the development shall be maintained in accordance with the approved mitigation measures.

- 3) No dwelling hereby permitted shall be occupied until the existing plant equipment associated with the ground floor unit at 4-5 Market Place (currently occupied by Tesco) which has been replaced by alternative plant equipment located within the lower ground floor, in accordance with the letter from EdwinCoe LLP Ref. CB/TEN. 5346.0001, dated 29 April 2022, has been removed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the application form. However, in my formal decision I have omitted the reference to the covering letter as this is not a description of development.
3. Since prior approval was refused, the appellant provided an updated contamination risk assessment and gas monitoring report. On the basis of this updated information, the Council has confirmed that this addressed its second reason for refusal regarding contamination risks on the site. I have proceeded to determine the appeal on that basis.

Main Issue

4. The main issue is whether or not the proposed development would provide satisfactory living conditions for future occupants, with particular regard to noise.

Reasons

5. The proposed dwellings would be located above a ground floor retail unit and a basement and ground floor level car park. The Council was concerned about commercial noise from mechanical plant associated with the ground floor retail unit, positioned on a flat roof at the rear of the building close to windows of the proposed units. This would result in noise disturbance which would adversely affect future occupants of the dwellings, preventing them from opening their windows and thereby resulting in unsatisfactory living conditions.
6. During the course of the appeal, the appellant secured the relocation of the plant equipment associated with the ground floor retail tenant to the basement. Revisions to the noise impact assessment¹ were submitted in regards to the relocation of this equipment.
7. The Council subsequently confirmed that subject to the relocation of equipment being carried out and in addition to other noise mitigation measures already proposed, it would be satisfied that future occupiers of the proposed flats would be able to open their windows for natural ventilation without undue disturbance. I have no reason to disagree with this.
8. At the time of my site visit, I observed that new equipment for the ground floor retail unit had already been installed in the basement car park area in accordance with details² provided by the appellant. This makes the Council's proposed condition relating to this unnecessary. However, since the existing

¹ Venta Acoustics Supplementary Information to Noise Impact Assessment, Ref VA3600.220314.L7.4, dated 22 March 2022, Venta Acoustics Supplementary Information to Noise Impact Assessment ref. VA3600.220413.L7.5, dated 21 April 2022 and Venta Acoustics Supplementary Information to Noise Impact Assessment ref. VA3600.220503.L8 dated 3rd May 2022

² Letter from EdwinCoe LLP Ref. CB/TEN. 5346.0001, dated 29 April 2022

equipment is still located on the roof, a condition to require its removal would be reasonable to protect the living conditions of future occupiers.

9. I conclude that the proposed development would not harm the living conditions of future occupants, with particular regard to noise.

Conditions

10. In addition to the conditions referred to above, Paragraph O.2(2) of the GPDO requires that the development must be completed within a period of three years starting with the prior approval date. A plans condition is necessary in the interests of certainty.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed and prior approval should be granted.

Rachael Pipkin

INSPECTOR