

DELEGATED APPLICATION REPORT

SITE ADDRESS: 10-12 The Forbury

APPLICATION NUMBER: 201870/OPA

PROPOSAL: Change of use from Class E(g)(i) (formerly B1(a) (office)) to Class C3 (dwelling houses) to provide 4 residential flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (amended)

TARGET DATE: 16/02/21

INTRODUCTION

The application relates to a three storey building located on the southern side of the Forbury, opposed the Listed St Laurence's Church. Forbury Gardens is located over 60m to the east. To the west is Sussex house, a former office which has been converted to residential accommodation. To the east is 'One Forbury Square', an office block.

The site is located within the Market Place/ London Street Conservation Area.

PROPOSAL

Change of use of building from Class E(g)(i) (formerly B1(a) (office)) to C3 (dwellinghouses) to comprise of 4 residential units (3 x 1 bed, 1 x 2 bed) . No parking provision is proposed.

The works are sought under Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Following on from the revision of the Use Classes Order in September 2020, both the old and new uses have been referred to in the description of development as the application was submitted within the transitional period between the two (transitional period ending July 2021).

During the course of the application, the proposal was amended so that the proposed number of dwellings would be reduced from 5 to 4. This was due to concern over one of the proposed flats (ground floor rear) not receiving an adequate amount of daylight due to the position and layout of the windows and the fact these would be enclosed by a 2m high courtyard wall plus railings above. The agent has therefore omitted this flat from the proposal and the space is to be retained as office space.

DOCUMENTS/ INFORMATION SUBMITTED:

Drawing no:

PL-01 - Location Plan

PL-05 - Existing Plans

PL-08 - Proposed Second and Roof Plans

Design Statement

Received 23rd December 2020

PL-07 Rev C - Proposed Ground and First Floors

Received 10th February 2021

PL-06 Rev C - Existing Elevations

Received 11th February 2021

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal context

Class O allows development consisting of a change of use of a building and any land within its curtilage to Class C3 dwellinghouses (houses or flats) from a Class B1(a) office use.

As set out in Para 0.2 of Class O (as amended), development is permitted subject to the condition that before beginning the development, the development shall apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) apply in relation to that application.

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework 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).

Reading Borough Local Plan (2019)

- CC8 Safeguarding Amenity
- EN16 Pollution and Water Resources
- EN18 Flooding
- TR3 Traffic Access and Highways Related Matters

PLANNING HISTORY

None.

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

The following letters were formally advised of the application by letter on 23/12/20:

8 The Forbury

In addition, a site notice was displayed between 23rd December 2020 - 13th January 2021.

No representations have been received.

***Officer comment:** Throughout the course of the application, the proposed number of residential dwellings was reduced from 5 to 4. In this instance, it was not considered a re-consultation was required as the development is reducing in size.*

CONSULTATION RESPONSES

Transport:

The site is located within the Reading Central Area and within Reading's primary shopping area within Zone 1 of the adopted Parking Standards and Design SPD which is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments, with limited residential.

This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. In accordance with the adopted SPD, the development would be required to provide a parking provision of 0.5 spaces per 1-2 bedroom flat and 1 space for a 3+ bedroom flat.

The submitted statement confirms that there is no parking available on the site. The surrounding road networks all have parking restrictions preventing on-street parking. Residents will not be eligible to apply for resident or visitor parking permits. An appropriate informative would be applied to prevent residents applying for permits. Drawing PL 07 (proposed Ground Floor Plan illustrates a door opening out from the refuge area. No doors should open out on to any part of the public footway. Revised plans are required.

In principle Transport do not have any objections to this application given that it will result in fewer trips to the site, however as stated above revised plans are required.

Environmental Protection: No objections but informatives relating to noise between dwellings and construction & demolition

APPRAISAL

Development is not permitted by Class O in the following instances (officer comments follow in **bold**):

O.1 Development is not permitted by Class O if—

(a) the building is on article 2(5) land; **COMPLIES**

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or **COMPLIES, the building is currently occupied by EJ Winter & Sons, a solicitor firm. From business rates information, the solicitor firm has been in the building since January 2008. There is no information to suggest that the building has not been in use as an office since 2008 so as such is considered in the relevant lawful use class on 29th May 2013.**

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use; **COMPLIES**

(c) the site is, or forms part of, a safety hazard area; **COMPLIES**

(d) the site is, or forms part of, a military explosives storage area; **COMPLIES**

(e) the building is a listed building or is within the curtilage of a listed building; or **COMPLIES**

(f) the site is, or contains, a scheduled monument. **COMPLIES**

Conditions:

O.2.—

(1) Development under Class O is permitted subject to the condition that before beginning the 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—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date

ASSESSMENT OF CONDITIONS O.2

(a) Transport and highways impact of the development

As per the Transport consultation response, the proposed development is considered acceptable from a transport perspective, even in the absence of parking provision, given its town centre location and public transport links.

Revised plans were provided showing the refuse door opening inwards instead of onto the highway.

An informative will be included stating the residents will not be entitled to parking permits

(b) Contamination risks on the site

The site is not located within an area of potential contaminated land.

(c) Flooding risks on the site

The site is not within Flood Zones 2 or 3.

d) Impacts of noise from commercial premises on the intended occupiers of the development

The legislation only allows the Council to consider the potential impact of noise from commercial premises on the intended occupiers of the development, and therefore traffic noise, unless directly associated with commercial premises in the vicinity of the application site, cannot be taken into consideration.

Environmental Protection officers reiterate that with Prior Approval applications they are only able to comment on contaminated land and commercial noise, of which

there are no concerns in respect of either. Therefore, there are no objections to the proposed change of use. Given the nature of the uses of the buildings immediately surrounding the site (office/residential uses) it is not considered that future occupiers would be significantly harmed by noise of nearby commercial premises in this instance.

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

Limited information has been provided as part of the submission in relation to the provision of natural light. However, from looking at the proposed floor plans, all bedrooms and open plan living areas have at least 1 window with sufficient distance from neighbouring buildings to ensure adequate daylight to the flats.

It is noted that Flat 3 'F3' is arranged so that windows are facing onto one another. This is a similar arrangement to Flat 1 which as discussed earlier, was omitted from the proposal. However, Flat 3 is located at first floor level and so would not be affected by the courtyard wall in the way that Flat 1 was.

45 degree light angles were taken from the two side windows of Flat 3 (serving the bedroom and living room) which were not breached. The rear facing living room/kitchen windows should also receive an acceptable level of light, especially being south facing.

As such, the provision of adequate natural light to all habitable rooms within the proposed flats is considered acceptable.

Recommendation: Prior Approval NOT REQUIRED

Conditions:

1. The development permitted must be completed before the expiration of three years from the date of this prior approval.

REASON: To comply with the provisions of paragraph O.2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

2. The development shall be carried out only in accordance with the submitted information and details:

PL-01 - Location Plan

PL-08 - Proposed Second and Roof Plans

Received 23rd December 2020

PL-07 Rev C - Proposed Ground and First Floors

Received 10th February 2021

PL-09 Rev C - Proposed Elevations

Received 11th February 2021

REASON: In order to comply with the provisions of Part W of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

Informatives:

1. The applicant is advised that as an application for prior approval under Class O, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2016, this prior approval notice relates to the change of use of the building from Class B1(a) to C3 (dwellinghouses) only and no other use.
2. This prior approval relates only to the change of use of existing floor space and land. If there are any external alterations or extensions to the building, planning permission is required for these.
3. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.
4. To minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E.
5. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays. There should be no burning of waste on the site.
6. The local planning authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.