



Planning Statement

**Conversion of Office Building to
Residential Use Under Part 3 Class
O of the GPDO 2015 (as amended)-
38 units**

On behalf of:
Stenprop

In respect of:
Rose Kiln Court
Rose Kiln Lane
Reading

Date:
July 2021

Reference:
MA/STEN/002-1/R001

1.0 Executive Summary

- 1.1 This Planning Statement has been prepared by Aylward Town Planning Ltd (ATP) to accompany an application to seek prior approval for the change of use of an existing office building to 38 apartments under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 1.2 The scheme will result in the creation of 38 no. 1 bedrooomed apartments. The resultant dwellings will have off-road parking and straightforward access to the highway network.
- 1.3 The scheme submitted reflects the latest legislation, Government guidance in the Planning Practice Guidance (PPG), case law and other decisions within Reading itself.
- 1.4 Class O of the above Order grants permitted development rights for the change of use of office buildings and any land within their curtilage to dwelling houses falling within Class C3 of the Use Classes Order.
- 1.5 Class O requires that for proposals relating to the change of use of an office building and its curtilage to a dwellinghouse (or dwellinghouses), a determination should be made as to whether the prior approval of the local planning authority will be required regarding:
- transport and highway impacts of the development;
 - risk of contamination;
 - flooding risks on the site;
 - noise impacts of the development;
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse; or
 - the design or external appearance of the building.
- 1.6 The proposed building meets the criteria of parts (a) to (g) of Class O1 and the change of use to a dwelling, falls to be determined under the six conditions of Class O2 (a)-(f) as to whether prior approval is required.
- 1.7 The submission provides details which respond to the conditions stated at O2, which demonstrate that the scheme clearly complies with the requirements of Class O and as such prior approval should be granted.

2.0 Context

Site Location and Description

- 2.1 The application site comprises an office building (Rose Kiln Court) and its immediate curtilage area, as well as a means of access to the highway network. There is an existing access to Rose Kiln Lane which will be utilised and does not require associated works.
- 2.2 The site is bounded by the A33 to the east and a watercourse (Holy Brook) to the west. Immediately beyond the watercourse is Rose Kiln Lane. The site is in long-established employment use south of Reading town centre but within the urban area.
- 2.3 Holy Brook is a modest watercourse sat below a steep tree-lined embankment. The trees on this embankment are predominantly willow and these have the benefit of a group Tree Protection Order.
- 2.4 The subject building is a brick-built office development over 2 floors with a pitched roof which has its western elevation facing Rose Kiln Lane. The car parking area lies to the east of the building, beyond which is the A33.
- 2.5 We understand from archive information that the site was developed during the 1950s for employment use which was cleared during the 1970s. The subject office building (Rose Kiln Court) was built out in the 1990s pursuant to an original consent during the period that the A33 was constructed. The building has provided 3420m² of accommodation for Thames Water for an extended period.
- 2.6 The photos below show an aerial view of the site (courtesy of Google mapping) and then overleaf a photo of the building taken within the car park.





Relevant planning history

- 2.7 Further to the original consent for the office development, there has been limited planning activity save for introducing plant equipment and CCTV.

3.0 The Proposed Development

- 3.1 The existing building is a two-storey office which will be converted into 38 dwelling units using the existing form and structure of the building, to provide contemporary one bedroomed dwellings with associated areas for parking. Areas for bin and cycle storage are also provided for the occupiers, with vehicular access to Rose Kiln Lane.
- 3.2 The building's floorspace has been measured at 3420m² (over 2 floors) and will be unchanged. The development will result in 38 one bedroomed units all of which will meet Nationally Described Space Standards.
- 3.3 Class O of Schedule 2, Part 3 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an office building to a use falling within Class C3 (dwellinghouses). There have been no previous dwellings on the office unit formed under Class O permitted development rights. The applicant has not exercised any PD rights under Class A or Class B of Schedule 2, Part 6 of the GPDO since March 2013.

Class O Context

- 3.4 The development consists of a change of use of a building and land within its curtilage from office uses to C3 use, alongside internal works reasonably necessary to convert the building to a use falling within C3.
- 3.5 The proposal includes the provision of some internal walls in the proposed residential dwellings which are reasonably necessary for the building to function as a dwelling house. Internal improvements cannot be defined as 'development' using the definition detailed by Section 55 (2) (a) of the 1990 Act and therefore do not require planning consent.
- 3.6 The accompanying material refers to opportunities to secure betterment both in terms of ecology mitigation and arboricultural management. It also recommends mitigation measures in the prism of acoustic attenuation and emergency egress. Should the Council deem it necessary and appropriate to secure these by way of planning control, the applicant is willing to accept planning conditions accordingly.
- 3.7 The proposed floorplans highlight that facilities are provided for refuse storage and secured cycle parking within the building to meet appropriate standards. The site layout plan shows that adequate car parking is provided within the curtilage and will be available to future residential occupiers.

4.0 Summary of the Class O(1) Criteria

- 4.1 We note that criteria A and C have been omitted from amendments to the Regulations. For completeness we refer to the original references, so therefore commence with Criterion B.

Criterion B

- 4.2 The building was in office use following and prior to the 20th March 2013 date. It has been in use by Thames Water as an administrative office for an extended period going back to circa 2000. The established use for the building is office use.

Criterion D

- 4.3 The site is not part of a safety hazard area.

Criterion E

- 4.4 The site is not part of a military explosives storage area.

Criterion F

- 4.5 The site does not contain a statutorily listed building. We also confirm that the site does not fall within the curtilage of any listed building.

Criterion G

- 4.6 The site does not contain an Ancient Monument.

Q1 Summary

- 4.7 The proposed building therefore meets the criteria of parts (a) to (g) of Class O1 and the change of use to a dwelling, falls to be determined under the six conditions of Class O2 (a)-(f) as to whether prior approval is required.

5.0 Summary of the Class O(2) Criteria

- 5.1 Class O (2) of the GPDO requires the LPA to assess the proposal solely on the basis of its impact against a specific framework. It effectively provides for a prior approval mechanism (as necessary) for development which would be permissible under Class O. It states:

(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,*
- 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 dwellinghouse.*

and the provisions of paragraph W (prior approval) of this Part 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.

Transport and highways impacts of the development

- 5.2 The application site has the benefit of an existing vehicular access onto the public highway at Rose Kiln Lane. Rose Kiln Lane is an adopted highway and visibility is good in both directions from the site entrance which is in regular use. The application site is in a highly sustainable location with good access to public transport and other services.
- 5.3 The applicant confirms that the end occupiers (following change of use to residential) will have a right of access through to the site access as shown on the location plan.
- 5.4 The proposed layout plan indicates that provision has been made for vehicle parking that is adequate for the scheme. The scheme provides 38 no. one bedroomed properties, each with cycle parking spaces (in the building) and access to car parking. This provision is consistent with Council requirements for parking facilities for similar uses and locations of this type.
- 5.5 The existing use of the building for office purposes is shown to generate greater vehicle generation across the day than would be envisaged by the proposed residential use. It is clear that there is no material increase in minimal vehicle movements and is also the case that a safe and suitable access can be accommodated as part of the proposed development.
- 5.6 The proposed residential use would not result in demonstrable harm to the operation of the highway network local to the site and no further consideration of the highway impact of the development proposals is considered necessary.

- 5.7 For the reasons set out above, it is concluded that the proposals would not prejudice the safe or efficient use of the highway network. Paragraph 109 of the Revised NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

- 5.8 On the basis of the above, it is evident that there is no reason why the proposed change of use should be resisted on highways or transportation grounds.

Contamination risks on the site

- 5.9 The office use of the buildings and associated land are not considered to be contamination generating uses and there are no credible risks in respect of its conversion to residential use.
- 5.10 The application is accompanied by a ground conditions report which clarifies that there is no material risk arising from the proposed change of use of the existing building. We also clarify that no intrusive works are proposed which would therefore minimise any prospect of uncovering any hitherto unknown below ground contamination.
- 5.11 In the context of the Prior Approval submission pertaining to Cadogan House, we are aware that the EHO recommended that an informative would be an adequate control mechanism and the applicant is agreeable to accept a similar control.

Flooding risks on the site

- 5.12 A site-specific flood risk assessment (FRA) has been prepared in accordance with the requirements contained within National Planning Policy Framework and the associated Planning Practice Guidance. With reference to the indicative flood maps published by the Environment Agency, the site lies within Flood Zone 1 suggesting low risk of fluvial flooding. The FRA also demonstrates that the site is not at risk of tidal flooding.
- 5.13 The FRA is underpinned by data and information from a range of sources which include:
- Information published or explicitly provided by the Environment Agency;
 - Information published by the Local Planning Authority, including the SFRA;
 - A site-specific topographical survey; and
 - Specific design works carried out for this report.
- 5.14 The Environment Agency's mapping suggests that the proposed development site is at risk of surface water flooding in the peak flood event, partly by consequence of areas of ponding in the car park. Safe access and egress from the houses can be achieved by crossing the flooded frontage area through to Rose Kiln Lane. The FRA clarifies that in the peak flood event, flow depths are relatively low and shows safe access and egress can be achieved.

- 5.15 The Nimbus FRA provides sufficient information to enable proper consideration of the development in terms of flood risk. The report clarifies that planning permission should not be withheld on flood risk grounds subject to suitably worded planning conditions'.

Noise impacts of the development

- 5.16 A dwellinghouse is recognised as being a noise sensitive development. As such, the Council must be satisfied that occupiers will enjoy a satisfactory level of amenity. As a consequence, this submission includes an assessment of the likely amenity enjoyed by potential occupiers, having specific regard for the noise impacts arising from the use itself as well as consideration of the local noise environment including potential noise sources e.g. road traffic noise.
- 5.17 The proposed residential use would not itself result in noise impacts through the operation of the converted office building that would adversely impact the residential amenity of new and existing residential receptors.
- 5.18 A noise survey has been commissioned and this demonstrates that there are no existing noise generating uses in the surrounding area which would impede residential use. However, road noise from the A33 is a consideration and the acoustic assessment does propose mitigation measures to ensure that the internal noise environment is acceptable and falls below a threshold where there would be any material impediment to the residential enjoyment of future occupiers.
- 5.19 These mitigation measures (which would require works that fall below the definition of development as set out in the Act) are set out in detail within the accompanying Noise Impact Assessment and can be secured through planning condition which the applicant will accept if the Council feels it necessary to do so.
- 5.20 The noise attenuation measure comprises secondary glazing, which sits in tandem with measures to improve ventilation and address potential overheating (MVHR and mechanical cooling where needed).
- 5.21 Following implementation of the measures proposed, the internal noise climate will ensure residential amenity in the proposed homes so the scheme should be deemed acceptable.

Natural Light

- 5.22 August 2020 saw the addition of a new prior approval consideration relating to natural light to existing PDRs for changes of use to dwellinghouses. This places a requirement for the decision-maker to consider both the effects upon the residential amenity of neighbouring properties -including loss of light- and the 'provision of adequate natural light' within the newly created dwellings.

- 5.23 The former requirement is largely focused upon those PDR mechanisms which would allow the increase in building height, so is therefore not relevant in this instance. The latter requirement applies to all habitable rooms within the residential accommodation proposed by the scheme (so is caught by the change of use).
- 5.24 In the context of natural light, the conversion of the existing building has to have regard to window positions (which are fixed) and internal configuration to ensure that habitable rooms are well lit.
- 5.25 The building has considerable glazing to all four elevations (to both floors). The internal configuration of the building has required careful consideration in the preparation of the plans for the proposed residential use. The floorplans have sought to ensure that the habitable rooms gravitate towards windows henceforth they will all benefit from natural light which is the GPDO test.
- 5.26 There appears to be no credible basis to conclude that the proposed use of the building for apartments would lead to a situation where those units would have inadequate natural light in habitable rooms.

The applicability of the provisions of paragraph W (prior approval) of this Part.

- 5.27 This submission provides a written description of the proposed development under Class O, including associated building works reasonably required as part of that residential conversion. The cover letter, plans and forms clarify contact details and properly identify the site subject of the proposal and describe what is being sought.
- 5.28 The site falls partly within an area that was previously identified as flood zones 2 and 3 albeit by reference to flood defence works undertaken any such risk has been mitigated. For robustness, we take the position that sub-paragraph 6 is engaged and a site-specific flood risk assessment has been prepared and is submitted.
- 5.29 In connection with matters pertaining to transportation, a site-specific report has been prepared and is submitted. These reports consider sustainability of location and propose mitigation measures which could be imposed if the Council felt it appropriate to do so. This report clarifies that there will be no material increase in traffic in the vicinity of the site.
- 5.30 In connection with other matters such as those pertaining to noise impact and ecology, site-specific reports have been prepared and are submitted. These reports provide appropriate analysis and propose mitigation measures which could be imposed if the Council felt it appropriate to do so. The applicant confirms that it would be agreeable to the imposition of appropriately worded conditions that meet the relevant tests as set out in the NPPF.

- 5.31 Paragraph W is applicable, but the submitted evidence demonstrates that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

6.0 Other Matters

The Conservation of Habitat and Species Regulations 2017

- 6.1 Whilst protected species are not specifically referred to in the GPDO, regulation 9 of 'The Conservation of Habitats and Species Regulations 2010' would still apply. This states that the *"competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the Directives"*. Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.
- 6.2 Therefore, even though there is no "reminder" in the GPDO, European protected species must still be taken into account. The proposal subject of this Class O application for change of use is an office building laid out over 2 floors.
- 6.3 We are mindful that there is an array of case law in this respect given that protected species are not expressly cited by the Class O provisions of the GPDO. Notwithstanding this, for robustness we have ensured that this submission has been informed by ecological surveys to assess the likely impact of the proposal on protected species which might have a reasonable likelihood of being impacted by the proposal.
- 6.4 This application is informed by a Preliminary Ecological Appraisal prepared by E3P. This survey identified that the office building has very limited suitability for bats and breeding birds. The site adjoins an area with established trees on the embankment and some tree works are envisaged.

Breeding Birds

- 6.5 The Ecological Appraisal recommends that works to the proposed building be:
- "performed outside of the breeding season for birds which is between March and August. If this isn't achievable, nest checks by an Ecologist would be required. If nests are found a buffer zone would be required around said nest(s) and works could then resume once the nest has been used."*

Bats

- 6.6 The Ecological Appraisal (EA) confirms that there is no evidence of bat usage within the Rose Kiln Court building. The PEA recommends that no further surveys need to be undertaken prior to determination.

Otters

- 6.7 The PEA is also informed by an Otter Survey which shows that there is no evidence of

otters on the banks of the watercourse (Holy Brook). Nevertheless, the PEA does recommend due diligence for any works in the vicinity of the watercourse.

Mitigations

- 6.8 The applicant confirms that any bird or bat boxes necessary can be installed on trees within the wider unit in agreement with the planning authority, with locations and specifications to be agreed through the planning condition mechanism.
- 6.9 Such mitigation measures can be secured by way of an appropriately worded condition, and in doing so the proposal the proposal will meet the requirements of the 2017 Regulations and any associated consideration in terms of the GPDO for this application for change of use through Class O.

Space Standards

- 6.10 April 2021 saw the addition of a new prior approval consideration relating to minimum unit sizes to existing PDRs for changes of use to dwellinghouses. This places a requirement for the decision-maker to ensure that a quality residential environment is provided -including the provision of space that meets minimum space standards.
- 6.11 It is confirmed that all 38 apartments comply with these Nationally Described Space Standards both in terms of square metre floorspaces and other requirements such as clear heights and room widths.

Tree Works

- 6.12 To the immediate west of the building is Holy Brook which is a modest watercourse sat below a steep tree-lined embankment. The trees on this embankment are predominantly willow and 29 named specimens have the benefit of a group Tree Protection Order.
- 6.13 The application is accompanied by an Arboricultural Impact Assessment which considers the vitality of these named willow trees as well as other trees on and adjoining the subject site. The AIA concludes that a number of these trees demonstrate poor vitality and that good arboricultural practice would be better served by selective clearance and thinning.
- 6.14 The applicant would be agreeable to accept a condition requiring appropriate arboricultural management and replacement planting as may be considered appropriate.

7.0 Summary and Conclusions

- 7.1 The proposed change of use to dwellings would not create any additional traffic as compared to the existing office use. As such, it would not be credible to conclude that there would be any unacceptable impact upon the safe or efficient use of the highway network, or air quality impacts.
- 7.2 The application material also confirms that the subject site is not at risk of contamination and that the Class O.1 criteria are not engaged.
- 7.3 Turning to the Class O.2 criteria, the application material considers these individually and concludes that (subject to mitigation measures where appropriate) the scheme will deliver quality new homes that provide an acceptable residential environment and an early contribution to housing land supply relying on previously developed land in a highly accessible urbanised location.
- 7.4 The proposal satisfies the relevant criteria set out in Paragraph O.1 of the Town and Country Planning (General Permitted Development) (England) Order. The conversion to residential use does not therefore require planning permission.