

DELEGATED APPLICATION REPORT

SITE ADDRESS: 42 Portman Road, Reading

APPLICATION NUMBER: 200693/OPA

PROPOSAL: Change of use from office (B1a) to residential (C3) to provide 16 units. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (Permitted Development) Order 2015.

INTRODUCTION

The application site comprises an office on the northern side of Portman Road, with the rear backing on to Albury Close. There is a mix of land uses in the area; however the immediate neighbours are residential.

PROPOSAL

The application seeks the change of use of the building, from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 16 flats.

No external works are proposed.

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

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 Plan (the NPPF states that due weight should be given to the adopted policies of the Local Plan 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 November 2019

EN16 Pollution and Water Resources

EN18 Flooding and Drainage

TR3 Access, Traffic and Highway-Related Matters

PLANNING HISTORY

Planning Reference	Description	Outcome
010362	Installation of 3no antennas, 2no dish antennas and a compact equipment cabinet	Application Permitted 28 Aug-01
010718	External: private car park extension	Application Refused 3 Dec-01
060028	New entrance area and first floor extension to existing office building	Application Permitted 22 Dec-06
061347	Proposed telecommunications installation comprising of 1 no. 10.4m high replacement lamp post incorporating 3no. antennas, radio equipment housing and ancillary development	Prior Approval agreed 15 Mar-06
081489	Extension of existing on-site parking to office building	Application Refused 19 Jan-09

120488	Removal of 3 existing antennas, installation of 6 new antennas, installation of 1 EE Huawei cabinet, all ancillary development (inc. cable works, fixtures, feeders, MHA swap out, etc)	Pre-app advice sent 22 Oct-12
141290	The installation of a samo cabinet measuring 750 x 600 x 1980mm at ground level, the swap out on a like for like basis of the existing antennas and mast head amplifiers (MHAs), additional MHAs and associated development.	Pre-app advice sent 17 Aug-14
150391	Proposed Car Park Extension	Application Permitted 8 Jun-15
181934	Proposed Extension to Existing External Car Park Area (Renewal of original Planning Approval Ref: 150391 dated 8th June 2015)	Application Permitted 19 Feb-19

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

Two letters of representation have been received from tenants currently occupying the premises. These objected to the application on the following grounds:

- The premises currently has tenants with long term leases.
- Conversion would require mixed use, as the tenancy agreements would need to be fulfilled. Mixed use is not in the application.
- Mixed use will cause conflicts.
- Security risks.
- Safety risks.
- Disruption.
- Leases would be violated.

The OPA does not consider such matters, and as such have no effect upon the determination of this Prior Approval.

CONSULTATION RESPONSES

Transport

“The proposal consists of the change of use of the building from Class B1(a) (offices) to C3 residential (dwelling houses) to comprise 16 apartments (12 x 1-bed and 4 x 2-bed).

The site is located within the Zone 3, the Secondary Core Area but on the periphery of Zone 2, Primary Core Area which directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading. In accordance with the adopted SPD, the development would be required to provide a parking provision of between 1 and 1.5 spaces per 1-2 bedroom dwelling.

The applicant has indicated on the application form that the existing 23 parking spaces will be retained and a further 5 parking spaces permitted under application Ref: 181934. These additional 5 spaces are not yet constructed.

The neighbouring site, 44 Portman Road, shares access to the site and has ownership of 4 car parking spaces towards the northwest of the parking court. These are considered separate to the parking allocation for 42 Portman Road and outside of the red line boundary.

The development will provide a minimum of 8 cycle parking spaces in accordance with minimum standards that require 0.5 spaces per unit. Cycle parking in the form of 4 Sheffield Stands (8 spaces) will be provided at ground level within the external storage unit to the east of the building.

It is accepted that the proposed residential use would generate fewer vehicle trips during both the AM and PM peak hours. In view of this, there are no grounds for a Transport objection as the development is unlikely to result in a material change in the character of traffic in the vicinity of the site.

Informatives

IF3 Highways

i) *The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.*

ii) *Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website".*

Environmental Health

"The noise assessment submitted shows that the recommended standard for internal noise can be met, if the recommendations from the assessment are incorporated into the design. It is recommended that a condition be attached to consent to ensure that the glazing (and ventilation) recommendations of the noise assessment will be followed, or that alternative but equally or more effective glazing and ventilation will be used".

APPRAISAL

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

- (a) The building is on article 1(6A) land
(None in Reading Borough)
- (b) The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use
(the building was used for a use falling within Class B1a immediately before 30 May 2013)
- (c) The site is or forms part of a safety hazard area
(It does not)
- (d) The site is or forms part of a military explosives storage area
(It does not)

- (e) The building is a listed building or a scheduled monument
(The building is not a listed building or a scheduled monument)

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.

This assessment can only consider the transport, flood risk, contamination risk of the development and noise from commercial premises:

Transport

The proposed parking provision is lower than the Council's adopted Parking Standards SPD. However, it is considered that the reduction in the residential parking provision on site will not lead to on street parking considering the extensive parking controls in the area. The future occupants of the units will not be entitled to apply for a resident parking permits (including visitor permits).

In the circumstances it is considered that the proposed change of use would not have a material impact on the character of the traffic in the vicinity of the site. Therefore, there is no Transport objections to prior approval being given for the proposed change of use subject to two conditions and an informative to do with parking permits.

Noise Impact from Commercial Premises

With the addition of a condition to ensure that glazing, ventilation and any other mitigation specified within the submitted noise assessment is implemented, it is considered that there would not be any detrimental harm to the future occupant of the building from nearby Commercial Premises.

Flooding

The site is not located within an area of high flood risk as designated by the Environment Agency. There would be no increase in the footprint of the building. It is therefore considered that there will be no detrimental impact in regards to flooding.

Contamination risks

No objection has been raised by Environmental Protection/Health regarding contamination. However an informative is recommended highlighting the fact that the development lies on

Classification: OFFICIAL

a potentially contaminated site. It is therefore the responsibility of the developer to ensure that occupants of the site as proposed are not put at risk from contamination.

Recommendation: **GRANT** Prior Approval

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:

Drawing no's:

- 2009 001 Rev P2 (Site Location Plan)
- 2009 100 Rev P2 (Ground Floor & First Floor Plan)

All received 19th May 2020

REASON: In order to comply with the provisions of Part 3 Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2016.

3. The glazing, ventilation and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application Aulos Acoustics 14 May 2020 ref 0-3130-1a.

REASON: In order to protect the amenity of future occupants of the proposed development in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Informatives

Classification: OFFICIAL

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 1995, 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) and B8 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. The grant of prior approval does not make the development lawful.
3.
 - i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
 - ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "*Guidance Notes for Activities on the Public Highway within the Borough of Reading*". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
4. You are advised that the development lies on a potentially contaminated site. Due to the nature of the historic land use there is the potential of contaminated land being present. It is the responsibility of the developer to ensure that occupants of the site as proposed are not put at risk from contamination.
5. Adequate noise protection from road traffic noise is recommended to ensure adequate living conditions for future occupants. These should comply with the recommended internal noise levels which can be found within BS8233:2014.