DELEGATED APPLICATION REPORT

SITE ADDRESS:	**62-66 Queens Road, Reading**
APPLICATION NUMBER:	**210172/OPA**
PROPOSAL:	**Change of use of second floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise 4 flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.**
TARGET DATE:	**30/03/2021**

Introduction

The application site is a 5 storey (including lower ground floor) office building located on the southern side of Queens Road. The building is occupied by a variety of office uses at first to fifth floor.

The application site benefits from a number of recent applications / approvals. Notably, all floors have recently gained prior approval for the change of use from office to flats.

The application site is not located within a conservation area, nor is the building listed.

The site is located within the central area as defined in the Proposals map of the Reading Borough Local Plan 2019 and the site is within an air quality management area. Whilst the site has historically (as considered under previous applications) been located with Flood Zone 2, this is no longer the case and the Environment Agency have updated their flood zone maps in this respect.

Proposal

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 2015 (as amended), is sought for the change of use of the second floor from offices to 4 x 1 bed flats.

The proposals (and plans) for the second floor proposed accommodation are the same as those submitted under application 181466/OPA. The agent has confirmed that the application has been submitted due to timescales – that in reality the OPA would not be completed within 3 years of the decision.

Information Submitted

Drawing No: Location Plan and Site Plan 01 B
Drawing No: Plans and Elevations as Existing 02 B
Drawing No: Plans, Elevations and Section as Existing 03 B
Drawing No: Second Floor Plan as Proposed 12 C
Received 2nd February 2021

Positive and Proactive Engagement
This is an application for whether prior approval is required; the requirements of the NPPF for the LPA to engage in a proactive manner are therefore not relevant.

Policy Context
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 this case, having initially reviewed the application, the Local Planning Authority has determined that prior approval is required in this instance due to the potential impact concerning points a) to e).

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).

It is pertinent to note that new legislation was introduced from 1st August 2020 in relation to prior approval also being required in relation to natural light considerations.

Similarly, on 30th September the Housing Secretary announced that homes delivered through permitted development rights will have to meet space standards. However, this has not been statutorily introduced in the legislation and therefore carries limited weight.

Reading Borough Local Plan 2019

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

Planning History

210174/OPA Change of use of 1st floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise 4 x 1 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Pending Consideration

210175/OPA Change of use of upper ground floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise 1 No. two bed flat and 2 no. one bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Pending Consideration

201543/OPA Change of use of 3rd Floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise 2 X 2-bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Notification – Approval

190956/FUL Change of use of ground and lower ground floor to form 3no. split level 2-bed flats (Class C3). Permitted – not implemented

181468/OPA Change of use of upper ground floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 1 x 2 bed flat and 2 x 1 bed flats.
Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Notification – Approval

181467/OPA Change of use of third floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 2 x 2 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Notification – Approval

181466/OPA Change of use of second floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 4 x 1 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Notification – Approval

181464/OPA Change of use of first floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 4 x 1 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Notification – Approval

160024/OPA Change of use of second floor from Class B1(a)(offices) to C3 (dwelling houses) to comprise 4 no. one bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)Order 2015. Prior Approval Notification – Approval

160025/OPA Change of use of the third floor from Class B1(a)(Offices) to C3 (dwelling houses) to comprise 2 no. two bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)Order 2015. Prior Approval Notification - Approval

160023/OPA Change of use of upper floor from Class B1(a)(offices) to C3 (dwelling houses) to comprise 1 no. two bed flats and no. one bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Notification - Approval

151452/OPA Change of use of Lower Ground floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise 1 X 2-bed and 2 X 1-bed flats etc. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Refusal

151455/OPA Change of use of upper ground floor from Class B1(a) to C3 (dwelling houses) to comprise of 1 X 2-bed and 2 X 1-bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the town and Country Planning (General Permitted Development) Order 2015. Approval

151456/OPA Change of use of the first floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 4 x 1 bed flats). Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Approval

151457/OPA Change of use of the second floor from Class B1(a) to C3 (dwelling houses) to comprise of 4 x 1 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the town and Country Planning (General Permitted Development) Order 2015. Approval

151458/OPA Change of use of 3rd floor only from Class B1(a) (offices) to C3 (dwelling houses) to comprise 2 X 2-bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Approval

01/01503/FUL Change of use from B1 (General office) to (non-residential institutions) D1. Permitted

Response to Publicity (Representations Received)

In relation to this 'prior approval' application, a site notice was erected on site by the planning agent 3rd March 2021 (photos provided). No letters of representation received.

Consultation Responses
Transport: The site is located within the Zone 2, the primary core area but on the periphery of the central core area 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.

The proposed development consists of the change of use of the second floor of the building from Class B1a (offices) to C3 (dwelling houses) to comprise of 4 no. one bed flats. It is indicated that the proposal will retain the existing car parking spaces at the rear of the site. Allocation of the parking spaces is not indicated.

In accordance with the adopted Parking Standards and Design SPD, the proposal would generate the requirement for 4 parking spaces. Whilst the development does not provide this level of parking, Queens Road and the surrounding road network all have extensive parking restrictions preventing on-street parking, therefore, any overflow in parking would not affect follow of traffic on the classified road network. However, I would recommend that the following condition/informative is included within any permission to ensure that the development does not result in an increase in residents on street parking within the vicinity of the site.

DC20 PARKING PERMITS 1
DC21 PARKING PERMITS 2

I13 Parking Permits
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.

Therefore, there are no grounds under under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, for a Transport objection.

Environmental Protection: No comments received.

Environment Agency: Not consulted as no longer in Flood Zone 2. Previous advice - refer to Flood Risk Standing Advice.

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

(a) The building is on article 2(5) 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 upper ground floor of the building was last in use as B1(a) offices*). *This has also been confirmed via the approval of other prior approval schemes at the site*.
(c) The use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016 (*an informative can be attached to advise of this requirement)*
(d) The site is or forms part of a safety hazard area *(it does not)*
(e) The site is or forms part of a military explosives storage area *(it does not)*
(f) The building is a listed building or a scheduled monument *(the building is not a listed building or a scheduled monument)*

(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

<u>(a) Transport and highways impact of the development</u>
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.

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

<u>(b) Contamination risks on the site</u>
The site is not located within an area of potential contaminated land. It is therefore not considered that the proposed change of use would carry any contamination risk.

(c) Flooding risks on the site
The site is no longer located within Flood Zone 2 as designated by the Environment Agency.

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

The Lyndhurst Pub at No.80 Queens Road is the only potential source of commercial noise disturbance within close proximity to the site and given the distance of this pub and the nature of the premises (small pub open until 11pm) it is not considered that this would warrant objection or additional noise mitigation measures.

Furthermore, prior approval to residential has previously been given at this site (for this floor and the building as a whole) as well as at the nearby Wesley Gate and No.60 Queens Road.

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.

It is noted that Environmental Protection Officers have made no comment in relation to noise impacts from existing commercial premises.

(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses
From 1st August 2020 the provision of natural light to all habitable rooms is a further consideration under prior approvals submitted under Class O, Part 3, Schedule 2 of the General Permitted Development Order (2015).

All habitable rooms will be served by at least one window with sufficient distance from neighbouring buildings to ensure adequate daylight to the flats. As such, the provision of adequate natural light to all habitable rooms within the proposed flats is considered acceptable.

Conclusion
The proposed development would comply with the provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the subsequent 2016 amendments. In accordance with Section O.2 of the above order the proposed change of use has been considered in relation to transport, contamination and flooding impacts, and also the impact of noise from commercial premises on future occupiers of the development and suitable light levels for future occupiers, and in relation to the provisions of the National Planning Policy Framework 2012 as required by paragraph W (10) of the said Order.

Recommendation:
GRANT Prior Approval subject to conditions: