

DELEGATED APPLICATION REPORT

SITE ADDRESS: 303-305 Oxford Road

APPLICATION NUMBER: 201613/RPA

PROPOSAL: Change of use of part of ground floor from Class A2 (Financial and Professional Services) to C3 (dwellinghouses) to comprise 3 x 1-bed dwellings. Prior Notification under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

AGREED EXPIRY DATE: 03/02/21

INTRODUCTION

The application relates to a detached building located on the southern side of Oxford Road. The property comprises an estate agent's unit with flat at the rear at ground floor, with residential above. Though vacant at the time of the officers site visit, it is evident from the recent planning history that the ground floor of the building is lawfully in use as an estate agent (Class A2) (google street view confirms this since at least 2009), while the upper floor is in residential use.

The surrounding area consists of a mixture of independent shops, takeaways, newsagents and residential properties similar in character and scale to the application property. Properties to the northwest of the application site are used as hotels. To the east of the site is Lidl's and drive-thru McDonalds.

The site is within the Oxford Road West District Centre and is located within an Air Quality Management Area.

PROPOSAL

The application seeks Prior Approval, under Class M, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of the ground floor from Class A2 (Financial and Professional Services) to Class C3 (dwellinghouse) to comprise 3 x 1 bed dwellings.

It is pertinent to note that new legislation was introduced from 1st August 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.

It should also be noted that on 1st September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) have revoked the previous use Class of A2 and now define the use class of the application site to be E(c) (i). However, as also described in this legislation, for purposed of applications for Prior Approval and the interpretation of the GPDO the application site is to be considered under A2 use class for a 'material period' of time, defined as between 1 September 2020 and 30 July 2021.

No external alterations are proposed as part of this prior approval application.

PLANS SUBMITTED

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POSITIVE AND PROACTIVE ENGAGEMENT

This is an application for whether prior approval is required; the requirements of section 4 of the NPPF for the LPA to engage in a proactive manner are therefore not relevant.

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal context

Class M allows for Development consisting of:

(a) a change of use of a building from—

(i) a use falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order,

(ii) a use as a betting office, pay day loan shop or launderette, or

(iii) a mixed use combining use as a dwellinghouse with—

(aa) a use as a betting office, pay day loan shop or launderette, or

(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Before development can be carried out under Class M, the developer must apply for a determination as to whether prior approval is required in respect of:

(a) Transport and highways impacts of the development,

(b) Contamination risks in relation to the building,

(c) Flooding risks in relation to the building,

(d) Whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use-

(i). On adequate provision of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii). Where the building is located in a key shopping area, on the sustainability of that shopping area, and

(e) The design or external appearance of the building,

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

And the provisions of paragraph W (prior approval) of this Part 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)

CC7 Design and the Public Realm
TR3 Traffic, Access and Highway Related Matters
RL2 Scale and Location of Retail, Leisure and Culture Development
RL1 Network and Hierarchy of Centres
RL3 Vitality and Viability of Smaller Centres
EN16 Pollution and Water Resources
EN18 Flooding and Drainage

Revised Parking Standards and Design - Supplementary Planning Document (2011)

RELEVANT PLANNING HISTORY

071461 Erection of a 2 storey building to accommodate 3 x 1 bedroom and 2 x 2 bedroom flats and car parking for occupants of neighbouring buildings and for the proposed flats (resubmission of 06/01067/FUL). Refused

3379/25769 Conversion in to two flats. Permitted

16801/42929 First floor 305 residential ground floor 303 as offices. Permitted

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was put up by the case officer 8th January 2021, expiring on 29th January. No representations have been received.

CONSULTATION RESPONSES

Transport - No objections

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. The site is situated in close proximity to the A329 Oxford Road, which is the main transport corridor between central Reading and the west. This zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. The eastbound bus services provide access to Reading Town Centre whilst the westbound bus services provide access to Calcot, Tilehurst and Purley on Thames. Reading West Railway Station is within 100m walk to the east of the site.

The site benefits from a dedicated parking court to the rear, accessed from Western Elms Avenue providing a total of 7 parking spaces. In accordance with the adopted Parking Standards and Design SPD, the existing residential units on the site require 3.5 parking spaces. The proposed residential development requires 3 additional parking spaces equating to an overall demand of 6.5 spaces. Therefore, the existing parking provision on-site is acceptable.

In accordance with the Borough's Parking Standards and Design SPD, a minimum provision 0.5 cycle storage spaces should be provided per flat. A lockable cycle store is provided at the rear of the site within the parking courtyard.

A bin store is located at the front of the site to enable refuse collection to occur from Oxford Road. The store is located within 10m of the public highway which is acceptable. The pedestrian entrance at the front of the site will be widened to accommodate bin collection.

It is accepted that the existing estate agents use will generate significantly more vehicular trips in the peak hours than the proposed residential use. Given that no car parking is provided for the proposals, the associated impact will be negligible. In principle, Transport do not have any objections to prior approval being given as the change of use would not have a material impact on the character of the traffic in the vicinity of the site subject to the following informatives.

Informatives

I13 Parking Permits

The occupiers of the residential units will not be entitled to an on- street car parking Permit. The parking permit conditions above place a requirement that the Council be notified of postal addresses of the residential units before occupation and that the occupiers/transferees to be informed of the prohibition on entitlement to a car parking permit. 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.

Environmental Protection - No objection subject to condition

Noise impact on development

The location of the proposed change of use to residential is next to a Lidl and McDonalds, which are both commercial operations which may cause disturbance to future occupants. A noise assessment should be submitted in support of applications for new residential to ensure that future occupants are not adversely impacted.

The noise assessment will be assessed against the recommendations for internal noise levels within dwellings and external noise levels within gardens / balconies in accordance with BS 8233:2014 and WHO guidelines for Community Noise. The report should identify any mitigation measures that are necessary to ensure that the recommended standard is met.

The noise assessment data should also include noise events (L_{AMax}) and the design should aim to prevent noise levels from noise events exceeding 45dB within bedrooms at night, as this is linked with sleep disturbance.

Internal noise criteria (taken from BS8233:2014)

Room	Design criteria	Upper limit
Bedrooms (23:00 to 07:00)	<30dB L _{Aeq} ,8hour	
Living rooms (07:00 - 23:00)	<35dB L _{Aeq} ,16hour	
Gardens & Balconies	<50dB L _{Aeq} ,T	<55dB L _{Aeq} ,T

I recommend the following condition.

N9 NOISE ASSESSMENT & MITIGATION RESIDENTIAL (TO BE SUBMITTED)

No development shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and the and that the individual noise events do not exceed 45 dB L_A,max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

REASON: These details are required due to insufficient information being contained within this submission and in order to safeguard the amenity of occupants in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

Environment Agency - The Environment Agency were not consulted as the site is not located within Flood Zone 3.

APPRAISAL

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

- (a) The building was not used for one of the uses referred to in Class M(a)-
 - (i). On 20th March 2013, or
 - (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;

The building was in A2 use on 20th March 2013. Google Street view confirms an estate agency use at the building since at least 2009.

- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

No.

- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

No.

- (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

No; based on the plans submitted it is confirmed that the relevant floorspace is below 150sqm.

- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

No.

- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

No.

- (g) the building is—

(i) on article 2(3) land; **No.**

(ii) in a site of special scientific interest; **No.**

(iii) in a safety hazard area; **No.**

(iv) in a military explosives storage area; **No.**

(v) a listed building; or; **No.**

(vi) a scheduled monument; **No**

There are conditions to Class M:

- (a) Transport and highways impacts of the development,

As per the Transport observations above, no significantly adverse implications are envisaged.

- (b) Contamination risks in relation to the building,

The site is not located on contaminated land.

(c) Flooding risks in relation to the building,

The site is located within Flood Zone 1. No significant flooding risks are anticipated on this basis.

(d) Whether it is undesirable for the building to change to a use falling within Class C3 of the Schedule to the Use Classes order because of the impact of the change of use-

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area

As above, the site is within the Oxford Road West District Centre. However, it is not within a key frontage or primary shopping area. The unit is vacant and has been since October 2019. As noted, the unit is not within a primary shopping area or key frontage and whilst there is a Lidl and McDonalds drive-thru to the east, the remainder of this part of the terrace to the west is residential, with the majority of A1/A2 units and parades of shops sited further to the west of Oxford Road. It is also noted that there is an existing ground floor residential unit, of which the change of use to residential is more compatible. Furthermore, the site is located within a sustainable location with adequate public transport links to designated primary shopping areas.

Given the above, the loss of this Class A2 unit is unlikely to have an undesirable impact on adequate provision of services or the sustainability of the adjacent shopping centre. Officers consider that there are not strong economic reasons to resist the proposals in this instance.

(e) the design or external appearance of the building

No external changes are proposed as part of this application.

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

No light assessment or measurements have been provided. However, from looking at the proposed floor plans, all bedrooms and open plan living areas have north or south facing windows with sufficient distance from neighbouring buildings to ensure adequate daylight to the flats.

As such, it is considered that all habitable rooms of the proposed flats would be adequately served by natural light due to the amount and positioning of the existing building's windows.

OTHER MATTERS

Other conditions have been recommended regarding noise levels. However, under Class M, noise is not a consideration so these conditions cannot be applied.

CONCLUSION

The proposed development would comply with the provisions of Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In accordance with Section M.2 of the above order the proposed change of use has been considered in relation to transport, contamination risks, whether it is undesirable for the building to change to a use falling within Class C3 and the provision of adequate natural light in all habitable rooms of the dwellinghouses in relation to the provisions of the NPPF as required by paragraph W (10) of the said Order.

Recommendation: **APPROVE** Prior Approval

Conditions:

1. The development shall be carried out in accordance with the details provided on the following submitted plans:

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unless otherwise agreed in writing by the Local Planning Authority.

2. In order to comply with the provisions of paragraph M2.(3) (a) of Class M of Part 3 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) development under Class M(a) and M(b) must be completed within a period of three years starting from the prior approval date.

Informatives

1. The proposal meets the relevant criteria set out in Class M and the proposal is not considered to have an adverse impact in relation to transport and highways matters; contamination risks on the site; flooding risks on the site; whether it is undesirable for the building to change to a use falling within Class C3 and the provision of adequate natural light in all habitable rooms of the dwellinghouses.

2. The granting of Prior Approval relates only to the change of use of existing floorspace and land. If external alterations or extensions to the building are intended, a separate planning application is required for these works.

3. The grant of prior approval does not certify that the proposed development would be lawful within the meaning of Section 191 of the Town and Country Planning Act 1990.

4. A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

5. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

6. It is likely that the works set out in this application will also require approval from the Council's Building Control office to ensure compliance with any relevant building regulations. It is therefore assumed that concerns about fire safety, means of escape, ventilation and sound insulation will be reviewed and addressed by Building Control if works proceed. Please contact Building Control on 0118 937 2449 for advice.

7. 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.

8. The Local Planning Authority has worked positively and proactively with the applicant to allow prior approval to be given within an agreed timescale for the decision to be issued.