

DELEGATED APPLICATION REPORT

SITE ADDRESS: 54-58 Queens Road, Reading, RG1 4AZ

APPLICATION NUMBER: 201749/OPA

PROPOSAL: Change of use from Class E(g)(i) (formerly B1(a) (office)) to Class C3 (dwelling houses) to provide 20 residential flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

TARGET DATE: 29/01/21

INTRODUCTION

The application relates to a contemporary three storey building, with a private car park to the rear, located on the north side of Queens Road directly adjacent to the junction with Sidmouth Street. The site is located within flood zone 1, and an air quality management area. The adjacent building to the west (no. 60 Queens Road) is Listed.

Prior approval has previously been given for this proposal, and since that, planning permission has been granted to construct an additional 9 dwellings on the roof (see planning history).

PROPOSAL

Change of use of building from Class E(g)(i) (formally B1(a) (office)) to C3 (dwellinghouses) to comprise of 20 residential units (mixture of 1 and 2 bed flats). 10 cycle spaces would be provided within the ground floor of the building, with 10 car parking spaces and 10 bicycle parking spaces provided.

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).

Small scale external works are proposed on the plans (replacement doors on the front elevation) and building up an opening and inserting a window at the ground floor rear (unit 1). It should be noted that Office Prior Approvals cannot approve external alterations, however these proposed modifications were approved under planning application 191660 so could be implemented outside of this prior approval.

DOCUMENTS/ INFORMATION SUBMITTED:

Drawing no:

15261-006 - Location Plan

15261-010 Rev A - Existing Block Plan

15261-011 Rev A - Existing Ground & First Floor Plan

15261-012 Rev A - Existing Second Floor & Roof Plan

15261-025 - Existing Elevations

15261-026 - Proposed Elevations

15261-015 Rev B - Proposed Second Floor & Roof Plan

Letter from Savills dated 25th November 2020

Letter Ref. DP252/18016 dated 13th April 2018 prepared by Spectrum Acoustic Consultants

Report Reference 70530.01R1 dated May 2018 prepared by EnviroSmart

Transport Note reference KMSCDE36 dated 22/05/18

Received 8th December 2020

15261-013 Rev D - Proposed Block Plan

15261-014 Rev C - Proposed Ground & First Floor Plan

Received 13th January 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)

EN16 Pollution and Water Resources

EN18 Flooding

TR3 Traffic Access and Highways Related Matters

PLANNING HISTORY

180982/OPA - Change of use of building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 20 residential flats including 4 x 2 bedroom and 16 x 1 bedroom flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Not Required

191660/FUL - Extension and alterations to roof to provide 9 flats, alterations to existing parking and access arrangements and minor alterations to existing building - Application Permitted

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

The following letters were formally advised of the application by letter on 15/12/20:

50, 52, 60 Queens Road
Trinity Hall, South Street
5 Sidmouth Street
49 South Street

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

No representations have been received.

CONSULTATION RESPONSES

Transport:

No formal response has been received from Transport Officers, however the comments from the previously approved prior approval application (for the same scheme) have been used as they are still considered applicable in this instance:

No objections subject to the following 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.

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 objections as submitted reports have adequately addressed the two issues that are able to be commented on (contaminated land and commercial noise).

Environment Agency: Declined to comment as the site does not fall within flood zone 2/3.

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**, *given the use of the building as office was considered acceptable under previously approved prior approval application 180982, the use as office has already been established on the aforementioned date.*

(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, subject to informatives.

(b) Contamination risks on the site

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

(c) Flooding risks on the site

At the time of the previously approved application, the site was located partly within Flood Zone 1 and Part within Flood Zone 2. As such, a Flood Risk Assessment was provided. However, following updates to the EA Flood Map for Planning the site now lies entirely within Flood Zone 1 and would not be at risk of fluvial flooding. The Environment Agency also had no comments to make.

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

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, east or south facing windows with sufficient distance from neighbouring buildings to ensure adequate daylight to the flats.

This is with the exception of Unit 3 (Ground Floor), Unit 9 (First Floor) and Unit 16 (Second Floor) which would each have a western facing kitchen window (which would face on to no. 60 Queens Road), with the buildings being separated by just under 2m.

The kitchens for the above mentioned units are galley type kitchens which would not be large enough to provide a dining area. These units have separate dining areas within an open plan living area. As such, in this particular circumstance, it is not considered that the galley kitchens would be habitable rooms where light is required to be adequately provided.

It should be noted that revised plans were received amending the layout of unit 1 (on the ground floor) as the proposed bedroom window was a new addition as a result of the external works. The revisions included to the proposed layout so both the bedroom and living area of this unit would be served by the building's existing windows and so would be acceptable in terms of the provision of natural light even if the previously approved external works were not implemented.

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.

Recommendation: **APPROVE** 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:

15261-006 - Location Plan

15261-026 - Proposed Elevations

15261-015 Rev B - Proposed Second Floor & Roof Plan

Letter Ref. DP252/18016 dated 13th April 2018 prepared by Spectrum Acoustic Consultants

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Received 8th December 2020

15261-013 Rev D - Proposed Block Plan

15261-014 Rev C - Proposed Ground & First Floor Plan

Received 13th January 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. 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.

5. 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.

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.