

DELEGATED APPLICATION REPORT

SITE ADDRESS: Rose Kiln Court, Rose Kiln Lane

APPLICATION NUMBER: 211138/OPA

PROPOSAL: Change of use of 2-Storey Office Building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 38 Residential Units. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

TARGET DATE: 02/09/21

INTRODUCTION

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. 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. The site measured 3420 m².

Trees on the Holy Brook bank are protected by a Tree Preservation Order.

PROPOSAL

Change of use of building from Class E(g)(i) (formally B1(a) (office)) to C3 (dwellinghouses) to comprise of 38 residential units (1 bed flats). Areas for bin and cycle storage are also provided for the occupiers, with vehicular access to Rose Kiln Lane.

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).

DOCUMENTS/ INFORMATION SUBMITTED:

Drawing no:

P5788_1210 Rev B - Planning - Proposed GF Plan - 38 Units

P5788_1211 Rev B - Planning - Proposed FF Plan - 38 Units

P5788_1350 Rev B - Planning - Existing & Proposed Elevations

Received 19th August 2021

Permitted Development Air Quality Assessment prepared by Anderson Acoustics. Ref 5301_001R_1-0-AG dated 5th July 2021

Preliminary Roost Assessment and Ecological Walkover - Reference 80-535-R1-1 dated June 2021

Otter Survey Report - Reference 80-535-R3-1 dated June 2021

Application Form

Flood Risk Assessment - document no: C2556-Rev-A- R1 prepared by Nimbus Engineering Consultants dated July 2021

Supporting Letter reference MA/STEN/002-1/L001m dated 8th July 2021

Noise Impact Assessment prepared by Anderson Acoustics. Ref 5301_001R_NOISE_0-3_CW dated July 2021

Ground Conditions Statement - Reference MA/STEN/002-1/R002 dated July 2021 prepared by Aylward Town Planning Limited

Planning Statement - Reference MA/STEN/002-1/R001 dated July 2021 prepared by Aylward Town Planning Limited

Transport Statement dated 07/07/21 prepared by Motion

Arboricultural Impact Assessment and Method Statement. Reference 80-535-R2-3 dated July 2021 prepared by e3p

CIL Form

P5788_1100 Rev A - Planning - Existing Site

P5788_1110 Rev A - Planning - Existing Ground Floor Plan

P5788_1111 Rev A - Planning - Existing First Floor Plan

P5788_1000 Rev A - Planning - Location Plan

P5788_1200 Rev A - Planning - Proposed GA Site Plan

Received 8th July 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.

Furthermore, all dwellings created through the Prior Approval process are required to meet the national space standards.

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

211148/OPA - Change of use of 2 floors from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 34 apartments. Prior notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Application under consideration

Officer comment: The above application has also been submitted as the applicant is unsure as to whether they wish to implement a 34 or 38 apartment scheme.

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed between 19th July 2021 - 9th August 2021

No representations have been received.

CONSULTATION RESPONSES

Transport: No objections

Environmental Protection: No response received

Environment Agency: No detailed response to the application, general advice on Water Course Permits and Consents required.

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, the site has been in use as offices by Thames Water since 2000. The LPA has no evidence to imply the site was not in use as an office 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 0.2

(a) Transport and highways impact of the development

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading.

Typically this zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 1 space per unit. The existing vehicular and pedestrian access onto Rose Kiln Lane will continue to serve the site. The proposed site plan indicates that the existing parking layout will be retained, providing 136 parking spaces which is in excess of the Council's Parking Standards. Cycle parking will be provided in accordance with RBC's adopted standards. This equates to 0.5 spaces per unit. Cycle parking will be provided either as covered Sheffield stands or a secure internal cycle store. Servicing activities will take place within the site boundary as per the existing arrangements.

It is accepted that the existing office use will generate more vehicular trips in the peak hours than the proposed residential use. Therefore, 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.

(b) Contamination risks on the site

The rear of the site is identified as being potentially contaminated land. Whilst no formal response has been received by the Environmental Protection team, a Ground Conditions Statement was provided. Within the statement, two reports were provided relating to the site:

The first report is a detailed assessment from 2004 that clarifies the absence of asbestos within the building, so therefore any associated internal works with the proposed conversion to residential use creates no credible prospect of any latent risk in connection with asbestos.

The secondary evidence is provided by a Phase 1 report from March 2007 that confirms that:

- There are no records of any landfill activity or radioactive consents within the relevant 500m radius of the site boundary;
- The site is at low risk of radon pollution.

It is acknowledged that these reports are dated. However, the conclusions of these, combined with the fact that the proposal is for a change of use with no intrusive ground works (which would therefore minimize any prospect of uncovering below ground contamination), it is considered that the proposal is deemed acceptable in terms of contamination. The LPA have no evidence to the contrary.

(c) Flooding risks on the site

The application site is located within Flood Zone 1 meaning flood risk at the site is low.

The Environment Agency provided informatives relating to watercourse permits and separate consent. However, there were no objections to the proposal in terms of Flood Risk.

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.

Whilst Environmental Protection officers did not comment on the proposal, Officers have reviewed the submitted noise assessment. It concludes that given the nature of the surrounding site (other offices) and particularly the road noise, the dwellings would not be subject to a harmful level of commercial noise.

The assessment also takes into consideration the impact from road noise. However, as noted above the impact from road noise cannot be considered under this application.

Nevertheless, it is recommended that a condition ensuring the dwellings are constructed in accordance with the internal criteria and façade sound insulation performances presented in the report. This will be secured by condition.

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

All bedrooms and living areas have windows and be a sufficient distance from neighbouring buildings to ensure adequate daylight to the flats.

Space standards:

All dwellings meet the nationally prescribed space standards.

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 2015 (as amended).

2. The development shall be carried out only in accordance with the submitted information and details:

P5788_1210 Rev B - Planning - Proposed GF Plan - 38 Units
P5788_1211 Rev B - Planning - Proposed FF Plan - 38 Units
P5788_1350 Rev B - Planning - Existing & Proposed Elevations

Received 19th August 2021

Noise Impact Assessment prepared by Anderson Acoustics dated July 2021
P5788_1000 Rev A - Planning - Location Plan

Received 8th July 2021

REASON: In order to comply with the provisions of Part W of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (as amended).

3. Dwellings shall be constructed in accordance with the internal criteria and façade sound insulation performances presented in Noise Impact Assessment Ref 5301_001R_NOISE_0-3_CW prepared by Anderson Acoustics dated July 2021.

REASON: In order to meet criteria (d) set out in paragraph O.2; Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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 2015, 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. 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.

4. Where a proposal may have a negative impact on a watercourse, an assessment of the potential risks should be carried out. To obtain a permit the applicant will need to show that the development can proceed without harm and propose mitigation, compensation or enhancements where required. The Environment Agency should be contacted for more information.

5. The applicant should contact 03708 506 506 or consult the Environment Agency website to establish if separate consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>