

DELEGATED APPLICATION REPORT

SITE ADDRESS: Reada Court Vachel Road, Reading, RG1 1NY
APPLICATION NUMBER: 200151 / OPA
PROPOSAL: Change of use from Class B1(a)(offices) to C3 (dwelling houses) to comprise 9 x 1 bedroom flats. 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 a three-storey office building located on the north side of Vachel Road adjacent to Caversham Road (the IDR).

The application site is not listed, nor is it in a conservation area.

PROPOSAL

Change of use of the ground, first and second floors from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 9 one bedroom flats with shared accommodation. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

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,

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

TR3: Access, Traffic and Highway Related Matters

PLANNING HISTORY

920750

92-00692-FUL Proposed canopy to existing office entrance.

930199

93-00248-FUL Proposed canopy to existing office entrance.

Plans/ information submitted

Drawing No. 277 Ground Floor

Drawing No. 277 First Floor

Drawing No. 277 Second Floor

As received: 5/2/2020

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed at the application site from 12th February 2020. The 21-day statutory consultation period ended on 4th March 2020.

No responses have been received.

CONSULTATION RESPONSES

TRANSPORT:

This area lies at the very heart of Reading Borough, consisting primarily of retail and commercial office developments, with limited residential. The area is defined as having the best transport hubs, with both the main railway station and also bus interchanges at the station and within Friar Street and other streets surrounding the town centre. This area also contains the largest proportion of public car parking spaces.

The application consists of the change of use from B1a to 9 x 1 bed flats. Plans indicate that 9 off road parking spaces are to be provided for the development accessed via existing gates located at the turning head of Vachel road. This provision exceeds the Councils current Parking Standards and is therefore deemed acceptable.

As the development site is located in an area designated as a Residents Parking Permit Area; Zone 04R there should be an assumption that any future occupants of the proposed dwellings will not be issued with a resident or visitor parking permit, this will be covered by condition and an informative applied and will ensure that the

development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

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 are no Transport objections to prior approval being given for the proposed change of use.

IF3 Highways
I13 Parking Permits

ENVIRONMENTAL PROTECTION:

Environmental Protection concerns

- Noise impact on development
- Construction and Demolition phase
- Bin storage - rats

Noise impact on development

Whilst I am unable to consider road noise for this application I would suggest the following informative:

The property will be significantly affected by road noise from the IDR (Caversham Rd).

A noise assessment is recommended to ensure suitable mitigation (glazing, ventilation etc.) is put in place to ensure a healthy and good quality internal environment for the new occupants.

The noise assessment should 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 (LAMax) 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 LAeq,8hour	
Living rooms (07:00 - 23:00)	<35dB LAeq,16hour	
Gardens & Balconies	<50dB LAeq,T	<55dB LAeq,T

Noise between residential properties - sound insulation of any building

Informative

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.

Construction and demolition phases - extensions / renovations

We commonly receive complaints about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and about smoke from bonfires associated with the burning of waste on site of minor developments.

I recommend the following informative is attached to help prevent complaints.

Recommended Informative

Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

There should be no burning of waste on the site.

Bin storage - rats - informative

There is a widespread problem in Reading with rats as the rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas e.g. flats and hotels there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste.

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**, previous planning applications demonstrate this long predates 2013.

Based on the evidence submitted and lack of information to the contrary, it is considered that on the balance of probability that the parts of the building subject of the application have been in office use for a continuous period of over 10 years and therefore the lawful planning use of the upper floors of the building can be established as B1a.

- (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 last in use as B1a (offices).**
- (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,

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

Although it is acknowledged that the five spaces pictured on Drawing No. 277 Ground Floor does not provide a parking space for each unit, its location in central Reading with excellent public transport links suggest the site can accommodate fewer spaces.

It is therefore considered that the proposed parking layout is acceptable.

However, the shortfall in residential parking should not be accommodated on the surrounding roads and an informative is attached to this approval which reminds future occupants of the new dwellings they will not be able to obtain a residents parking permit for the surrounding residential streets. No conditions are required.

(b) Contamination risks on the site

The environmental health officer saw no cause for concern.

(c) Flooding risks on the site

The site is located within Flood Zone 1 which means the site has a low probability of flooding.

d) Impacts of noise from commercial premises on the intended occupiers of the development

The environmental health officer principally had concerns relating to the impact of noise and recommended a noise impact assessment be conducted for the site. The officer states that for a prior approval application such as this, noise from traffic is outside the scope of the application, and therefore the noise assessment could not be included as a condition.

The environmental health officer also had concerns relating to construction related noise and storage space for bins.

Recommendation: Prior Approval **GRANTED**

Reason

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. 277 Ground Floor

Drawing No. 277 First Floor

Drawing No. 277 Second Floor

As received: 5/2/2020

Reason: In order to comply with the provisions of Part W of the Town and Country Planning (General Permitted Development) (England) 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 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) 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. 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. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.
7. There should be no burning of waste on the site.
8. There is a widespread problem in Reading with rats as the rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas e.g. flats and hotels there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste.
9. 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.

Classification: OFFICIAL

Classification: OFFICIAL