

DELEGATED APPLICATION REPORT

Address: 38 Queens Road, Reading

Application No: 171966

Proposal: Change of use from B1 offices to 6 self contained flats, C3 and associated works whilst varying condition 9 (BREEAM) of planning consent 170164

Target Decision date: 09/02/2018

Case officer: Ethne Humphreys

1. Site Description and Surrounding Area

The application relates to a three storey mid-terrace building with basement located on the south side of Queens Road, with the junction to Sidmouth Street to the east. The building is grade II listed, as part of the No's 24-52 (even) Queens Road listing (listing entry number 1113563).

The listing for the properties is as follows:

QUEEN'S ROAD 1. 5128 Nos 24 to 52 (even) (Queen's Crescent) SU 7173 SE 3/225 SU 7273 7/225 22.3.57. II GV 2. 1832-33. J J Cooper architect (according to Colvin). A very slight crescent with houses on a skew, following the curve of the road. 3 storeys Bath stone ashlar. Channelled ground floor. Band over ground floor. Plain cornice and parapet. 3 ranges of glazing bar sashes each, 1st floor centre of each with pediment. Ground floor windows round headed, one each, No 44 1+3 (formerly 2 houses). Bracketed hoods to 4 panel doors with rectangular overlights and architrave surrounds. Butterfly roofs with brick chimneys. No 40 rendered. No 24 has no door but 3 round headed windows on ground floor.

It is noted that the listing does not describe any internal features of particular note (but it is not clear whether the interiors were inspected or not).

The application site has a large single storey rear addition, built in the latter part of the 20th century. The site also contains four (tandem) vehicular parking spaces, accessed from Livery Close. The site is also within an Air Quality Management Area, Flood Zone 2 and the Reading Central Area Action Plan boundary. The surrounding area contains a mix of uses, predominantly

commercial at ground floor level with a wider variety of uses at upper floor levels. There have been a number of planning/listed permissions for residential uses in recent years, such as No's 24-26 (Refs 06/01172 & 06/01173), No. 28 (Ref 070849), No. 34 (Refs 131103 & 131105), No. 48 (Refs 120939 & 121644), No. 52 (Refs 110380 & 110381) and more recently No.40 (Refs 161611 & 161612 and 161614 & 161615).

2. The Proposal

- i. The proposals originally sought to remove Condition 9 (BREEAM) of planning permission 170164. Further to discussions between officer and agent, it is now proposed to re-word the wording of Condition 9 rather than remove it entirely, to alter the sustainability measures secured in the implementation of the development.

The condition is now proposed to read as follows:

Prior to the first occupation of any residential unit hereby approved, a final BREEAM Domestic Refurbishment certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that the dwellings achieve at least a 'Good' rating at a score of 53.

Reason: To ensure that the development is carried out in accordance with sustainable building standards, in accordance with Core Strategy Policy CS1 and the Sustainable Design and Construction SPD, adopted July 2011.

- ii. From a procedural perspective, relevant guidance from the NPPG is reproduced below in respect of minor material amendments:

Paragraph: 015 Reference ID: 17a-015-20140306

What is the effect of a grant of permission?

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning

permission, unless they have already been discharged. Further information about conditions can be found in the [guidance for use of planning conditions](#).

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

Paragraph: 017 Reference ID: 17a-017-20140306

Is there a definition of ‘minor material amendment’?

There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Annex A: summary comparison table

Paragraph: 019 Reference ID: 17a-019-20140306

What is the application considered against?

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

In what form must the decision be issued?

Grant: new decision notice describing the whole development and listing all conditions. Refuse: decision notice listing reasons for refusal. Original permission with existing conditions remains in place.

3. Public Consultation

A site notice was placed around the application site and a press notice was published on. One letter of objection received, concerned with the following:

- Inconsistency of imposition of BREEAM related conditions on applications across the Borough
- Inconsistency between the BREEAM condition attached to 38 Queens Road and that attached to 40 Queens Road

Officer comment: The Council seeks to adopt a consistent approach; however, each application will be considered on its own merits. Where listed buildings are involved the Council will seek to take a pragmatic approach given the sensitive nature of such buildings and desire to reduce the extent of any internal alterations works; however, this must be supported by details from the applicant setting out the details as to what BREEAM score level can be met and why the required level cannot be attained. Discussions were held with the applicant advising that it would not be appropriate to remove the condition entirely.

The objector has been sent a separate letter from the Council with regards the BREEAM condition and rating imposed on the application at No.40 Queens Road.

4. Consultation responses

None.

5. Information Considered

BREEAM UK Domestic Refurbishments 2014 Pre-Assessment Estimator v0.1

BREEAM UK Domestic Refurbishments 2014 Pre-Assessment Estimator v0.1: Results Summary

Ventilation Strategy dated August 2017

Received 6th November 2018

Email from agent dated and received 22 January 2018 16:52

6. Relevant Planning History

171518 Non-material amendments to planning permission 170164, to relocate the staircase to the basement flat and for the addition of front gate and railings. Pending Consideration

171734 Relocation of internal staircase to basement and addition of front gate and railings to previously approved consent 170165/LBC Pending Consideration

171966 Change of use from B1 offices to 6 self contained flats, C3 and associated works without complying with condition 9 (BREEAM of planning consent 170164. Pending Consideration

170890 Discharge of conditions 5 (Glazing) & 8 (Refuse) of planning permission 170164. Pending Consideration

170891 Discharge of conditions 2 (method statement), 3 (glazing details) and 4 (stair details) of listed building consent 170165. Discharged 11/07/2017

170164 Change of use from B1 offices to 6 self contained flats, C3 and associated works. Permitted 10/05/2017

170165 Change of use from B1 offices to 6 self contained flats, C3 and associated works. Permitted 10/05/2017

090739 Change of use of building from office (B1 use class) to drugs/addiction clinic (D1 use class). Permitted

7. Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

8. Relevant Planning Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Reading relevant to the application site comprises the Reading Local Development Framework '*Core Strategy*' 2008 (Altered 2015), *Reading Central Area Action Plan 2009* and '*Sites and Detailed Policies Document*' 2012 (Altered 2015).

The '*National Planning Policy framework*' ('NPPF') 2012 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy, Central Area Action Plan and Sites and Detailed Policies Document) 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). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework;

National Planning Policy Guidance;

Reading Borough LDF Core Strategy (Adopted January 2008) (Altered 2015)

CS1 Sustainable Construction and Design

Sites and Detailed Policies Document - (Adopted October 2012) (Altered 2015)

DM1 Adaption to Climate Change

Supplementary Planning Documents

Sustainable Design and Construction SPD (2011)

9. Appraisal

It was considered that the information submitted did not justify the original proposal to remove of the Condition relating to BREEAM. The BREEAM domestic refurbishment process is still in place (unlike the former Code for Sustainable Homes for new build schemes) and this proposal was for a change of use, hence the imposition of the BREEAM condition. However, it is recognised that there can be inherent difficulties incorporating sustainability improvements within refurbishment schemes such as this, particularly where this application site relates to a listed building. As such, should there be shortfalls in the subsequent BREEAM ratings submitted, mitigating factors will be taken into account by officers when subsequently assessing such matters. The information submitted indicates that a 'Good' rating of 53 (at the upper level) could be achieved, and, in this instance, given the above, it is considered that the proposals would comply with the principles of CS1 in this respect.

The documents and reports submitted explain why some credits are unachievable in this instance, or in some cases not applicable (mainly owing to the refurbishment nature of the proposals). Such commentary is considered in this instance to be satisfactory, enabling officers to apply some flexibility in the score recommended within the Sustainable Design and Construction SPD. As such, it is considered appropriate to alter the wording of condition 9 to state a 'Good' rating' at 53% credit target, which would be towards the upper threshold for achieving this rating.

The agent has confirmed acceptability of the proposed re-wording of the condition to this effect.

10. Conclusion

It is considered in overall terms that the proposed change to the original planning permission is acceptable. Furthermore, in line with the NPPG, cumulatively the proposals can be considered to be 'minor material amendments', as it is considered to result in a development which is not substantially different from the one which was originally approved.

Recommendation

Grant variation of Condition 9.

11. Conditions:

In line with the NPPG, all of the original conditions (as part of 170164) are reproduced below in green, with the now proposed conditions (bearing in mind the NPPG) below in blue. Officer notes explaining the changes are detailed in red.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Permission 170164 has already been implemented - no time limit condition is necessary.

No equivalent condition - Permission 170164 has been implemented within three years of 10/05/2017. Therefore condition 1 of the original permission (Ref 170164) is no longer relevant.

1. This permission relates only to the following plans and drawings:

Drawing No: Site Plans Proposed 16051 100 00

Drawing No: Section A-A Proposed 16051 400 00

Drawing No: Elevations Sheet 1 Proposed 16051 300 00

Drawing No: First and Second Floor Plans Proposed 16051 201 04

Received 2nd February 2017

Drawing No: Elevations Sheet 2 Proposed 16051 301 01

Received 3rd April 2017

Drawing No: Ground and Basement Floor Plans Proposed 16051 200 07

Received 5th May 2017

Drawing No: Section A-A

Drawing No: Elevations Existing

Drawing No: Elevations Existing

Drawing No: First Floor Existing

Drawing No: Ground Floor Existing

Drawing No: Second Floor Existing

Drawing No: Basement Existing

Received 6th February 2017

Planning, Design and Access Statement 16051

Received 2nd February 2017

Reason: To clarify which plans have been approved.

2. This permission relates only to the following plans and documents:

Drawing No: Site Plans Proposed 16051 100 00

Drawing No: Section A-A Proposed 16051 400 00

Drawing No: Elevations Sheet 1 Proposed 16051 300 00

Drawing No: First and Second Floor Plans Proposed 16051 201 04

Received 2nd February 2017

Drawing No: Elevations Sheet 2 Proposed 16051 301 01

Received 3rd April 2017

Drawing No: Ground and Basement Floor Plans Proposed 16051 200 07

Received 5th May 2017

Drawing No: Section A-A

Drawing No: Elevations Existing

Drawing No: Elevations Existing

Drawing No: First Floor Existing

Drawing No: Ground Floor Existing

Drawing No: Second Floor Existing

Drawing No: Basement Existing

Received 6th February 2017

Planning, Design and Access Statement 16051

Received 2nd February 2017

BREEAM UK Domestic Refurbishments 2014 Pre-Assessment Estimator v0.1

BREEAM UK Domestic Refurbishments 2014 Pre-Assessment Estimator v0.1: Results Summary

Ventilation Strategy dated August 2017

Received 6th November 2018

Reason: To clarify which plans have been approved.

The documents referenced in this condition reflect the information submitted with this application.

3. The ground floor rear window on the north facing elevation serving Flat 2 shall be glazed only with obscure glazing and all windows fixed shut until a minimum of 1.7m above finished floor level.

Reason: in the interests of amenity, in accordance with DM4 (Safeguarding Amenity) of the Sites and Detailed Policies Document 2012 (altered 2015).

No change necessary.

4. The covered bicycle storage spaces shown on the approved drawings shall be provided and equipped with secure Sheffield cycle stands before occupation of the dwellings to which they relate.

Reason: To encourage travel by sustainable alternatives to driving a motor car in accordance with the Local Planning Authority's approved transport policies in accordance with Policies CS23 and CS24 of the Core Strategy 2008 (altered 2015).

No change necessary.

5. Detailed drawings, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

a) Section drawings of the new secondary glazing at a scale 1:10.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Core Strategy 2008 (altered 2015) and DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

The development shall be carried out in accordance with the details shown on the following drawings approved as part of approval of details application 170890 on 02/02/2018:

- Drawing No: Secondary Glazing Detail as Proposed 16051 500 00 -

Received 5th June 2017

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Core Strategy 2008 (altered 2015) and DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

Condition 5 of permission 170164 was discharged through application 170890. As such, the documents approved are referenced above in the reworded condition.

6. The residential *units* hereby approved shall not be occupied until the Council has been notified in writing of the full postal address of the units. Such notification shall be addressed to the Council's Planning Manager (Implementation) quoting the planning application reference specified in this Decision Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential *units* hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

No change necessary.

7. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential *units* hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential *units* for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential *units*.

Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Core

Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

No change necessary.

8. Prior to the first occupation of the residential unit hereby approved, details of the design, enclosure and specification of the refuse collection facilities and how refuse collection will be managed shall be submitted to and approved in writing by the local planning authority. The refuse and recycling storage shall be retained, as approved, at all times thereafter solely for refuse and recycling storage and collection purposes.

Reason: To ensure that sufficient provision is made for the storage and collection of refuse and recyclables, to safeguard the amenity of existing nearby and future occupiers from potential disturbance and/or smells and in the interests of the safety and convenience of all highway users, in accordance with Policies CS2 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

The development shall be carried out in accordance with the details shown on the following drawings approved as part of approval of details application 170890 on 02/02/2018:

- Drawing No: Refuse Collection Arrangements as Proposed 16051 501 00

Received 5th June 2017

Reason: To ensure that sufficient provision is made for the storage and collection of refuse and recyclables, to safeguard the amenity of existing nearby and future occupiers from potential disturbance and/or smells and in the interests of the safety and convenience of all highway users, in accordance with Policies CS2 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Condition 8 of permission 170164 was discharged through application 170890. As such, the documents approved are referenced above in the reworded condition.

9. Prior to the first occupation of any residential unit hereby approved, a final BREEAM Domestic Refurbishment certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that the dwellings achieve at least a 'Very Good' rating.

Reason: To ensure that the development is carried out in accordance with sustainable building standards, in accordance with Core Strategy Policy CS1 and the Sustainable Design and Construction SPD, adopted July 2011.

Prior to the first occupation of any residential unit hereby approved, a final BREEAM Domestic Refurbishment certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that the dwellings achieve at least a 'Good' rating at a score of 53.

Reason: To ensure that the development is carried out in accordance with sustainable building standards, in accordance with Core Strategy Policy CS1 and the Sustainable Design and Construction SPD, adopted July 2011.

This condition has been updated to reflect the BREEAM rating proposed as part of this application.

10. In connection with the implementation of this permission, no works shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. Works shall not take place outside these hours or at anytime on Sundays and Bank Holidays without the prior written approval of the local planning authority.

Reason: To protect the amenity of occupiers of existing nearby properties from noise and disturbance from works connected with implementing this permission, in accordance with Policy CS34 of the Core Strategy 2008 (altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (altered 2015).

No change necessary.

Informatives:

1. The conditions above have been worded with reference to the original permission (Ref 170164/FUL) and the following subsequent applications determined at the site:

170890 Discharge of conditions 5 (Glazing) & 8 (Refuse) of planning permission
170164. Permitted 02/02/2018

170891 Discharge of conditions 2 (method statement), 3 (glazing details) & 4 (stair details) of listed building consent 170165. Permitted 11/07/2017

2. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but differs materially from the approved plans and details, or does not comply with any condition (s) or planning obligation (s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the council.

3. 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.

4. 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.

5. For further information about construction and demolition nuisance law the applicant is referred to: <http://www.reading.gov.uk/article/2563/Construction--Demolition>

6. These works will require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.

7. The occupiers of the residential units will not be entitled to an on-street car parking permit in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring

residential properties by adding to the already high level of on street car parking in the area in accordance with Core Strategy Policy CS24 and Sites and Detailed Policies document Policy DM12. The site is located close to local facilities, with frequent public transport services on nearby roads. 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.

8. Officers have worked positively and proactively to provide a recommendation for approval to be made within the agreed time period.

9. For the avoidance of doubt, no other works are approved except those as authorised by this Consent. Any other works required to the Listed Building may require a separate application for Listed Building Consent and/or an application for Permitted Works to a Listed Building.