

DISCHARGE OF CONDITIONS APPLICATION REPORT

Ward: Abbey

App Ref: 200172/APC

Address: 1 Wesley Gate, Queens Road, Reading, RG1 4AP

Proposals: Application for approval of details reserved by conditions 3 (Noise Mitigation) and 4 (Air quality) of Application No 191520

Case Officer: Mr David Brett

Agent: Mr Wieringa, Hives Architects LLP

Date received (valid from): 03/02/2020

Target Decision date: 30/03/2020

1. INTRODUCTION

The proposal is for the removal of conditions 3 and 4 associated with planning application 191520, which was for the change of use of the building from B1 (office) to C3 (dwelling houses). 1 Wesley Gate is situated on Queens Road near The Lyndhurst public house and next to Wesley Church. The proposal site is opposite a multi-use development comprising of office and living space. The IDR (inner distribution road) runs outside of 1 Wesley Gate and is a busy highway at peak hours.

2. PROPOSAL AND SUPPORTING INFORMATION

The proposal is for the discharge of conditions 3 (Noise Mitigation) and 4 (Air quality) of Application No 191520.

Documents considered:

- Noise Mitigation Scheme Report No. 20-0015-1 R01
- Air Quality Control Assessment - Report No. AQ1711

Received on 03/03/2020

3. RELEVANT PLANNING HISTORY

Planning Application 191520

- Proposal: Change of use of building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 15 flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
- Decision: Approve
- Decision Date: 13/11/2019

4. CONSULTATIONS

4.1 *The following addresses were consulted by letter.*

Reading Borough Council Environmental Health - Response received on 25/02/2020

Consulted on 11/02/2020.

5. 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.

6. LEGAL AND PLANNING POLICY CONTEXT

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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. The following local and national planning policy and guidance is relevant to this application:

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (Adopted November 2019)

CC8 Safeguarding Amenity

EN15 Air Quality

EN17 Noise Generating Equipment

7. APPRAISAL

Condition 3 to application 191520

- *No development shall take place 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. 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: to protect the amenity of future occupants of the proposed development.*

Condition 4 to application 191520

- *No development shall commence on site until a detailed Air Quality Assessment to determine whether mitigation is required to protect the residents from the effects of poor air quality is submitted to and approved in writing by Local Planning Authority. Where this Air Quality Assessment identifies that future residents will be exposed to poor air quality, an air quality mitigation scheme shall accompany this assessment demonstrating sufficient mitigation to protect the occupants. The scheme shall be implemented as approved prior to occupation of any part of the development and retained as approved at all times thereafter.*
- *Reason: These details are required due to insufficient information being contained within this submission and in order to protect the health of future occupants of the proposed development in accordance with Policy EN15 of the Reading Borough Local Plan 2019.*

Conditions 3 and 4 have been reviewed by Reading Borough Council, Environmental Health (response received on 20/02/2020). The response from Environmental Health was that Sustainable Acoustics Appraisal and the Air Quality Assessment provided suffice to discharge these two conditions from planning application 191520. In light of this, the recommendation for application 200172 is to discharge conditions 3 and 4 from planning application 191520.

8. CONCLUSION

The proposed development has been assessed and the proposed works are considered to be in accordance with the above relevant policies and planning permission can be granted.

9. RECOMMENDATION

GRANT

10. CONDITIONS

11. INFORMATIVES

IF1: Positive and Proactive Working - approval

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.

IF5: Terms

Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which 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.

IF6: Building Control

Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

IF7: Complaints about construction

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.

IF8: Encroachment

During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: www.communities.gov.uk/publications/planningandbuilding/partywall