

DELEGATED APPLICATION REPORT

SITE ADDRESS: Dukesbridge House, 23 Duke Street

APPLICATION NUMBER: 191221 / OPA

PROPOSAL: Change of use of part ground floor and first to fourth floors from Class B1(a) (Offices) to Class C3(Dwellinghouses) to comprise 25 dwellings (13 x Studio, 11 x 1 bed and 1 x 2 bed). Prior notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Decision date: 19/09/2019

INTRODUCTION

The application site comprises a four storey building and external space to the rear used for parking. The site is located to the east of Duke Street and to the north of the river Kennet. The application building is not listed but is within the Market Place / London Street Conservation Area.

PROPOSAL

The application seeks change of use of parts of the building (part ground and first to fourth floors) from Class B1(a) (offices) to C3 (dwelling houses) to comprise 13 x studio, 11 x 1bed and 1x 2bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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 LDF Core Strategy - Adopted January 2008

CS34 Pollution and Water Resources

CS35 Flooding

Sites and Detailed Policies Document - Adopted October 2012

DM12 Access, Traffic and Highway Related Matters

RELEVANT PLANNING HISTORY

041248 - Installation of air-conditioning in main office, meeting rooms and common rooms, units to be mounted on rear of building. 12/07/04.

091560 - Extension of office reception, erection of a new entrance facade and changes to external reception appearance and new canopy. Granted 3/9/09.

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed at the application site from 02/08/2019. The 21 day statutory consultation period ended on 23/08/2019.

No representations have been received.

CONSULTATION RESPONSES

Transport:

Dukesbridge Chambers is a 4 storey with a further car park accessed through Highbridge Wharf. The primary pedestrian access into the proposed building is via the site's main frontage off Duke Street.

The proposed development consists of the change of use of the building from Class B1a (offices) to C3 (dwelling houses) to comprise of 25 dwellings (13 x Studio, 11 x 1 bed and 1 x 2 bed). It is indicated that the proposal will retain the existing car parking spaces at the rear of the site and two parking spaces will be allocated to the second floor flats.

The site is located within the Reading Central Area and within Reading's primary shopping area. The site is located within Zone 1 of the adopted Parking Standards and Design SPD which is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. Dukes Street and the surrounding road network all have extensive parking restrictions preventing on-street parking, therefore, any overflow in parking would not affect the flow of traffic on the classified road network.

Car parking is subject to lease agreements and is provided to the rear of the building. However, the Transport Statement indicates that zero parking will be provided for residents. The non-provision of parking is acceptable in this town centre location given the proximity of public transport services and public car parks. However, the resident's would not be entitled to a Resident's Parking Permit in this location which would be controlled.

The Council's adopted Parking Standards and Design SPD states on page 32 and 33 that "*Conversion of an existing residential dwelling to multiple dwellings or redevelopment of a dwelling and creation of multiple units will not entitle the additional dwellings or units to additional parking permits.*" Therefore, I would recommend that the following informative is included within any permission to ensure that prospective residents (either tenants or purchasers) are fully informed of the situation regarding parking permits prior to occupying the property.

113 Parking Permits

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.

Therefore, there are no grounds under Class O, Part 3 of Schedule 2 of the Town and Country Planning, for a Transport objection.

Environmental Protection:

Environmental Protection concerns

- Noise impact on development
- Noise transmission between dwellings
- Air Quality impact - increased emissions
- Contaminated Land
- Construction and Demolition phase
- Bin storage - rats

Noise impact on development

A noise assessment should be submitted in support of applications for new residential proposed in noisy areas.

A noise assessment has been carried out for the Dukesbridge House site, however although this mentions the Dukesbridge Chambers site there is no assessment of likely noise levels at that site. This will need to be considered, as this site is likely to be affected by noise from nearby commercial uses e.g. hotel and restaurant opposite and other nearby town centre commercial uses.

The noise assessment will 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.

Where appropriate, the noise assessment data should also include noise events (L_AMax) and the design should aim to prevent noise levels from noise events exceeding 45dB within bedrooms at night. Noise levels above 45dB are linked with sleep disturbance.

Internal noise criteria (taken from BS8233:2014)

Room	Design criteria	Upper limit
Bedrooms (23:00 to 07:00)	<30dB L _{Aeq} ,8hour	
Living rooms (07:00 - 23:00)	<35dB L _{Aeq} ,16hour	
Gardens & Balconies	<50dB L _{Aeq} ,T	<55dB L _{Aeq} ,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.

Contaminated Land

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action.

The geo-technical desk study submitted with the application concludes that risks may be present as a result of ground gas and that monitoring and assessment is needed.

Ideally this would be submitted with the application, otherwise the following condition would be recommended:

Land Gas

Recommended Conditions -

Land Gas

a. Site investigation

No development shall take place until a detailed land gas site investigation has been carried out by a competent person to fully and effectively characterise the nature and extent of land gas and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

b. Remediation scheme to be submitted

No development shall take place until a scheme showing how the development is to be protected against the possibility of land gas has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented and completed before the development is first occupied and those measures incorporated into the development shall thereafter be retained unless the Local Planning Authority agrees otherwise in writing.

c. Implementation of Approved Remediation Scheme

The land gas remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority prior to any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas due to the presence of land gas.

Construction and demolition phases

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.

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

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 - 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** - *The B1(a) Office use must be a lawful one (see Article 3(5) of the GPDO 2015). The onus is on the applicant to provide sufficient evidence to enable the Council to establish, on the balance of probability, the appropriate use of the building.*

The application site address appears on the business rates list under various different suites. All the suites were listed as being used as offices and this is included in the description of the accounts.

There is no planning history or planning enforcement records to suggest that the application property was in a use other than the stated B1(a) use (see 2004 & 2009 permissions in the planning history above referencing offices). Further, at the time of the case officer putting up the site notice (02/08/2019), without having access to the interior of the building, the site had the appearance of being offices. Online research also suggests that the application building is in use as 'serviced offices', which would fall within the B1(a) use class.

Based on the evidence submitted and lack of information to the contrary, it is considered that on the balance of probability the buildings 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 relevant parts of the floors of the building can be established as B1(a).

- (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; **N/A**
- (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

The site is located within the Reading Central Area and within Reading's primary shopping area. The site is located within Zone 1 of the adopted Parking Standards and Design SPD which is an area at the very heart of Reading Borough, consisting primarily of retail and commercial office developments. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. Duke Street and the surrounding road network all have extensive parking restrictions preventing on-street parking, therefore, any overflow in parking would not affect the flow of traffic on the classified road network.

Car parking is subject to lease agreements and is provided to the rear of the building. However, the Transport Statement indicates that zero parking will be provided for residents. The non-provision of parking is acceptable in this town centre location given the proximity of public transport services and public car parks. However, the resident's would not be entitled to a Resident's Parking Permit in this location which would be controlled.

The Council's adopted Parking Standards and Design SPD states on page 32 and 33 that "*Conversion of an existing residential dwelling to multiple dwellings or redevelopment of a dwelling and creation of multiple units will not entitle the additional dwellings or units to additional parking permits.*" Therefore, it is considered appropriate for the following informative to be included within any permission to ensure that prospective residents (either tenants or purchasers) are fully informed of the situation regarding parking permits prior to occupying the property.

113 Parking Permits

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.

Therefore, subject to the above informative, there are no grounds under Class O, Part 3 of Schedule 2 of the Town and Country Planning, for a Transport objection.

(b) Contamination risks on the site

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action.

The geo-technical desk study submitted with the application concludes that risks may be present as a result of ground gas and that monitoring and further assessment is needed.

The following condition would be recommended:

Land Gas

a. Site investigation

No development shall take place until a detailed land gas site investigation has been carried out by a competent person to fully and effectively characterise the nature and extent of land gas and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

b. Remediation scheme to be submitted

No development shall take place until a scheme showing how the development is to be protected against the possibility of land gas has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented and completed before the development is first occupied and those measures incorporated into the development shall thereafter be retained unless the Local Planning Authority agrees otherwise in writing.

c. Implementation of Approved Remediation Scheme

The land gas remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority prior to any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

In this instance officers are content that this matter can be managed through a condition, rather than being required in advance (and therefore result in the prior approval application being refused). The supporting statement from the applicant outlines that the applicant is willing to agree to such a condition.

(c) Flooding risks on the site

Based on the latest EA flood mapping, the site is within Flood Zone 1. A supporting statement has been submitted and this details a range of measures which are considered appropriate.

(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 have raised some concern regarding noise, given the town centre location and number of commercial premises nearby. EP officers have suggested a condition, but planning officers consider that on the basis of the report submitted with the application this is not necessary.

Other

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.

Prior approval under Class O does not permit any external change to the building and relates to change of use only. A suitably worded informative will be added to the decision notice advising the applicant of the need to ensure that they have secured the appropriate other permissions for any external changes to the building (e.g. a new refuse store is shown on the block and site plans).

RECOMMENDATION

GRANT Prior Approval subject to the following conditions:

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 following plans, drawings and documents have been assessed:

Drawing Number:

- A-(SK)-001 Rev. B - PD - Feasibility Typical Floor Layout (1st to 3rd)
- A-(SK)-002 Rev. B - PD - Feasibility Level 4
- 5106 26 K - Site Plan - Dukesbridge Chambers
- 5106 28 C - Block Plan - Dukesbridge Chambers
- 5106 38 - Existing Site Plan - Dukesbridge Chambers
- 5016 40 - Existing Ground Floor Plan
- 5016 41 - Existing First Floor Plan
- 5016 42 - Existing Second Floor Plan
- 5016 43 - Existing Third Floor Plan
- 5016 44 - Existing Fourth Floor Plan
- 5106 79 A - Site Plan - Dukesbridge Chambers and Dukesbridge House - Option 2
- 5016 CH00 - Ground Floor
- Transport Statement Dukesbridge Chambers, Reading by PBA Ref 46110/ 5501 Rev: AA dated April 2019
- Finch Consulting Report - Environmental Noise and Impact Assessment at Dukesbridge House/Chambers, Reading (PD Application) Ref 192203 dated April 2019
- Phase 1 Geo-environmental Desk Study Ref: C86080-JNP-XX-XX-RC01001-S2 P01 by JNP Group dated 17/04/19
- Covering Letter by Vocalism dated 23/07/19

As received: 25/07/2019

Reason: In order to comply with the provisions of Part W of the Town and Country Planning (General Permitted Development) (England) Order 2016.

3. a) No development shall take place until a detailed land gas site investigation has been carried out by a competent person to fully and effectively characterise the nature and extent of land gas and its implications. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved.

b) No development shall take place until a scheme showing how the development is to be protected against the possibility of land gas has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented and completed before the development is first occupied and those measures incorporated into the development shall thereafter be retained unless the Local Planning Authority agrees otherwise in writing.

c) The land gas remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of

the remediation carried out) must be submitted to and approved by the Local Planning Authority prior to any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas due to the presence of land gas.

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 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. For example, it is noted that the proposed site and block plans floor plans show a new refuse area is shown. The grant of prior approval does not make the development lawful.
3. The occupiers of the residential units 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. In connection with the implementation of this office prior approval, no noisy construction, demolition and associated activities should take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. No noisy works shall take place at any time on Sundays and Bank or Statutory Holidays. Please refer to the Council's website for more detailed information.
6. 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.