

## **DELEGATED APPLICATION REPORT**

**SITE ADDRESS: ONC HOUSE, 68 ST JOHNS ROAD**

**APPLICATION NUMBER: 191617/PNN**

**PROPOSAL: Notification of Prior Approval for a Change of use of Southern part of building from Class B1(c) (Light Industrial) to C3 (dwellinghouses) to comprise 8 x flats. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. (amended)**

---

## **INTRODUCTION**

The application site is a warehouse/ light industrial unit which has a total floor space of around 1000 m2. The warehouse is currently for sale. The site lies on a residential road with no other commercial/ industrial unit in the vicinity.

The application site is located within Flood Zone 3.

## **PROPOSAL**

The application seeks change of use of half the existing warehouse from Class B1(c) (light industrial) to C3 (dwelling houses) to comprise of eight units. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amended) Order 2015.

## **RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE**

### **Legal context**

Class PA 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(c) light industrial use.

As set out in Para PA.2 (1) (b) of Class PA, 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 in relation to the building,
- c. Flooding risks in relation to the building, and
- d. where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services

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 and Drainage

TR3 Access, Traffic and Highway-Related Matters

#### **PLANNING HISTORY**

191330/PNN - Notification of Prior Approval for a Change of use from Class B1(c) (Light Industrial) to C3 (dwellinghouses) to comprise 6 x flats. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Application Refused

191058/PNN - Notification of Prior Approval for a Change of use from Class B1(c) (Light Industrial) to C3 (dwellinghouses) to comprise 8 x flats. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Application Withdrawn

#### **RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)**

A site notice was displayed at the site between 24<sup>th</sup> October 2019 - 14<sup>th</sup> November 2019.

Two responses have been received:

- 1) "We appreciate that this is PD but feel strongly that it would create a wholly unsatisfactory residential environment, effectively just screening off one side of a typical industrial shed while leaving the rest in storage use. While recognising current resource constraints, we urge RBC to use whatever powers it has to resist this proposal, including if necessary an Article 4 direction to prevent this and similar poor-quality conversion".

***Officer Comment: As noted in the above comment, this application is a prior approval application as opposed to a planning application. Therefore the LPA is limited in its ability to evaluation of the proposal. The introduction of Article 4 directions is matter that would need to be put forward and discussed with the Planning Policy team.***

- 2) "I own the building next to the site and I am worried about the disruption to my business. We own the parking spaces out the front of the building and we park cars between 6am - 7pm. We would not want any disruption to our day to day working, access to the car park, access to our building. As it is a private estate, I would expect that no vans or lorries would come onto our estate.

Finally the area between my building and the proposed new building has a fire escape for the whole estate, so could not be blocked In the end I will not object if we do not have any business disruption / guaranteed”.

***Officer Comment: this application is a prior approval application as opposed to a planning application. Therefore the LPA is limited in its ability to evaluation of the proposal. The RBC transport officer has assessed the application and comments are detailed later in the report. The application can only be assessed under the criteria outlined in the General Permitted Development Order (included in this report).***

## **CONSULTATION RESPONSES**

### **Transport:**

The Transport officer reviewed the proposal and provided the following response, which in summary required the proposal to provide further information and clarification:

The site is located within the Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. The road mainly consists of residential terraced properties.

In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 1 space per 1-2 bedroom units, parking spaces should be a minimum of 2.4m x 4.8m and must be independently accessible. Submitted ground floor plan 484-03-10 illustrates 8 parking spaces which conforms to the Councils current parking standards, however it is not clear what parking provision is to be retained for the remaining part of the warehouse. Confirmation will be required regarding existing and proposed parking provision for the remaining warehouse as identified in plan 484-03-10 as well as details regarding loading and unloading areas for the warehouse.

It should be noted that the Councils Residential Permit Parking Scheme is too expanded and will incorporate St Johns Road; the scheme is due to come in effect by the end of the year. Therefore under the Borough's current parking standards, this proposal would generate additional pressure for parking in the area, if this application is approved there should be an assumption that any future occupants of the proposed dwellings will not be issued with a resident or visitor parking permit which should be covered by condition and informative, this 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.

### **Environmental Protection:**

The Environmental Health Officer reviewed the application and had no objections to the proposal.

### **Environment Agency:**

The site is located within Flood Zone 3. A Flood Risk Assessment was submitted. No comments were received from the Environment Agency at the time this report was written.

## APPRAISAL

Development is not permitted by Class PA (introduced in the 2016 amendments to the 2015 GPDO) in the following instances (officer comments follow in italics):

- (a) The application was received by the local planning authority on or before 30<sup>th</sup> September 2017:  
*The application was received on 25<sup>th</sup> September 2019*
- (b) The building was not used solely for a light industrial use on 19<sup>th</sup> March 2014 or, 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:

*Pre-application enquiries at the site have suggested that the site was a factory. The unit is currently listed for sale and is advertised as a warehouse/ light industrial unit. On the basis of the above, on the balance of probability, the lawful use of the building is B1(c).*

- (c) The prior approval date falls on or after 1<sup>st</sup> October 2020  
*It does not.*
- (d) The gross floor space of the existing building exceeds 500m<sup>2</sup>.  
*It does.*

*When measured with the scale bar provided, the portion of the warehouse proposed to be converted measures 564.06sqm.*

*Regardless of the above, this prior approval seeks to convert approximately half of the existing warehouse. The entire warehouse (which is considered to be the 'existing building') measures approximately 1000 m<sup>2</sup>.*

*Therefore the proposal is not compliant.*

- (e) The site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained  
*It is not*
- (f) Less than 1 year before the date before the development begins-
  - (i) An agricultural tenancy over the site has been terminated, and
  - (ii) The termination was for the purpose of carrying out development under this Class*Not applicable*
- (g) The site is, or forms part of
  - (i) A site of special scientific interest - *it does not*
  - (ii) A safety hazard area - *it does not*
  - (iii) A military explosives storage area - *it does not*

- (h) The building is a listed building or is within the curtilage of a listed building; or  
***The building is not a listed building or within the curtilage of a listed building***
- (i) The site is, or contains a scheduled monument  
***The site is not a scheduled monument***

This assessment can only consider the transport, flood risk, contamination risk of the development and whether or not the introduction of, or increase in, a residential use of premises in the area would have an adverse impact on the sustainability of industrial, storage or distribution services:

**Transport:**

As per the consultation response provided by the transport officer, plans do not illustrate it is not clear what parking provision is to be retained for the remaining part of the warehouse. Confirmation will be required regarding existing and proposed parking provision for the remaining warehouse as identified in plan 484-03-10 as well as details regarding loading and unloading areas for the warehouse. As such, the proposal does not satisfy transport and highways requirements.

**Flood Risk:**

The site is located within Flood Zone 3. A Flood Risk Assessment was submitted however no response was received from the Environment Agency.

**Contamination:**

Planning applications should be considered on a precautionary basis in relation to the possibility of contamination on all land subject to or adjacent to previous industrial and also where uses are being considered that are particularly sensitive to contamination - e.g. housing, schools, hospitals, and children's play areas.

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action.

Contamination is not restricted to previously developed industrial land but it can occur also on greenfield sites including land used for residential gardens. Contamination can create risks to human health, property and the wider environment, including long-term limitations on the use of soils.

The Environmental Health officer had no objections to the proposal and therefore the proposal is considered acceptable in this respect.

**Impact on Industrial Services:**

The prior approval process does not allow the local planning authority to consider the impact of the loss of industrial units outside of designated employment land

nor consider whether industrial units are suitable to deliver good quality accommodation. There is not an Article 4 Direction in place and the site is not within a core employment area; indeed the building is a somewhat isolated remnant of industrial activity, with adjacent residential uses.

It is not considered the proposed change of use would detrimentally harm the supply of existing industrial or storage and distribution floorspace. It is not considered that the proposed change of use would have any adverse impact on the sustainability of any neighbouring commercial uses.

Recommendation: **REFUSE** Prior Approval

Reason:

1. The gross floor space of the existing building exceeds 500m<sup>2</sup> and so the proposal is not compliant with Schedule 2, Part 3, Class PA section (d) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

2. The applicant has failed to sufficiently demonstrate that the proposal would comply with condition PA.2 (1) (b) (i) 'transport and highways impact of the development' in accordance with Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) (Amendments) Order 2016.

Informatives:

1. The Local Planning Authority, in reaching its decision, took in to account the following drawings and information:

Drawing No:

484-02-01 - Site Location Plan Ph1

484-03-01 - Ground Floor As Existing Ph1

484-03-02 - Roof as Existing Ph1

484-03-10 - Ground floor proposed ph1

Flood Risk Assessment dated 29<sup>th</sup> August 2019 prepared by Letch Properties Limited

Received 7<sup>th</sup> October 2019

2. The agent was advised on 19<sup>th</sup> November 2019 that the application would be recommended for refusal if not withdrawn. The agent decided to opt for the refusal.