

DELEGATED APPLICATION REPORT

SITE ADDRESS: APPLICATION NUMBER: 191058/PNN

PROPOSAL: 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) (Amended) Order 2015.

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 six 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 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

PLANNING HISTORY

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 21st August 2019 - 11th September 2019. No representations were received.

CONSULTATION RESPONSES

Transport:

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 484-83-20 illustrates 6 parking which conforms to the Councils current parking standards and is therefore deemed acceptable.

It should be noted that the Councils Residential Permit Parking Scheme is to be 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.

There are no objections to the application, however the following informatives were recommended:

1) 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.

2) 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.

Environmental Protection:

The Environmental Health Officer reviewed the application and made the following comments regarding noise and contaminated land:

Noise:

The proposed change of use site is mostly residential but there are what appear to be industrial / light industrial buildings behind which may be noise generating. A noise assessment should be submitted in order to determine whether the proposals are acceptable as they are or if noise mitigation needs incorporating into the design to ensure acceptable internal levels can be achieved.

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

As a noise assessment has not been submitted and the proposed development is by a industrial buildings, I recommend a condition is attached to any consent requiring a noise assessment to be submitted prior to commencement of development and any approved mitigation measures implemented prior to occupation to show that recommended noise levels in the table above can be met. The noise assessment will need to identify the external noise levels impacting on the proposed site.

Noise mitigation is likely to focus on the weak point in the structure; glazing. Given that the acoustic integrity would be compromised should the windows be opened, ventilation details must also be provided, where mitigation relies on closed windows. Ventilation measures should be selected which do not allow unacceptable noise ingress and should provide sufficient ventilation to avoid the need to open windows in hot weather, however non-openable windows are not considered an acceptable solution due to the impact on living standards.

I recommend the following condition:

Sound Insulation from External Noise

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.

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 development lies on the site of a light industrial unit and there may be potential for it to have caused contaminated land and the proposed development is a sensitive land use.

Ideally a 'phase 1' desk study should be submitted with applications for developments on sites with potentially contamination to give an indication as to the likely risks and to determine whether further investigation is necessary. Investigation must be carried out by a suitably qualified person to ensure that the site is suitable for the proposed use or can be made so by remedial action.

See recommended conditions below, these are required to ensure that future occupants are not put at undue risk from contamination.

Recommended conditions

1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The 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 construction of the development.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development not previously identified, development must be halted on that part of the site and it must be reported in writing to the Local Planning Authority.

Following that an assessment of the nature and extent of contamination must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Flooding:

The site is located within Flood Zone 3. A Flood Risk Assessment was submitted and assessed by the Environment Agency. There were no objections subject to the following condition:

The development shall be carried out in accordance with the submitted Flood Risk Assessment, prepared by Clive Onions Consulting Civil Engineers, version 3, dated 29 August 2019, and the following mitigation measures it details:

- Finished floor levels for the office section shall be set no lower than 38.71m AOD.
- Finished floor levels for the warehouse section shall be set no lower than 38.15m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to:

- To reduce the risk of flooding to the proposed development and future occupants.

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 30th September 2017:
The application was received on 8th August 2019
- (b) The building was not used solely for a light industrial use on 19th 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 1st October 2020
It does no.
- (d) The gross floor space of the existing building exceeds 500m2.
It does.

The portion of the building proposed to be converted measures 502.25 m2 when adding the written dimensions on the plan (which are stipulated by the agent). When measured with the scale bar provided, the portion of the warehouse measures 511.76 m2.

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 m2.

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:

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 484-83-20 illustrates 6 parking which conforms to the Councils current parking standards and is therefore deemed acceptable.

Informatives were recommended relating to parking permits and works to the highway.

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 recommended that the following pre-commencement conditions/ conditions be attached to the prior approval. These were agreed by the agent in an email received 25/09/19:

1. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,*
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
- adjoining land,*
- groundwaters and surface waters,*
- ecological systems,*
- archaeological sites and ancient monuments;*

2. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The 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 construction of the development.

4. In the event that contamination is found at any time when carrying out the approved development not previously identified, development must be halted on that part of the site and it must be reported in writing to the Local Planning Authority.

Following that an assessment of the nature and extent of contamination must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

In addition, the following condition relating to sound insulation from external noise is required:

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.*

Flooding:

The site is located within Flood Zone 3. A Flood Risk Assessment was submitted and assessed by the Environment Agency. There were no objections subject to the following condition:

The development shall be carried out in accordance with the submitted Flood Risk Assessment, prepared by Clive Onions Consulting Civil Engineers, version 3, dated 29 August 2019, and the following mitigation measures it details:

- Finished floor levels for the office section shall be set no lower than 38.71m AOD.*
- Finished floor levels for the warehouse section shall be set no lower than 38.15m AOD.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to:*

- To reduce the risk of flooding to the proposed development and future occupants.*

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 500m² 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) (as amended) 2015.

Informatives

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

Drawing No:

484-02-02 - Site Location Plan Ph2

484-03-03 - Ground Floor As Existing Ph2

484-03-04 - Roof as Existing Ph2

484-03-20 - Ground floor proposed ph2

Received 12th August 2019.

Flood Risk Assessment dated 29th August 2019 prepared by Letch Properties Limited
68 St John's Road, Caversham, Reading RG4 5AF - Part 2

Received 29th August 2019.

2. The agent was advised on 03/10/19 that the application would be recommended for refusal if not withdrawn.