

## **DELEGATED APPLICATION REPORT**

**SITE ADDRESS: 33 Blagrove Street**

**APPLICATION NUMBER: 181074 / OPA**

**PROPOSAL: Change of use from Class B1(a) (offices) to C3 (dwelling houses) to comprise of 28 dwellings (17 x 1-bed and 11 x 2-bed). Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.**

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### **INTRODUCTION**

The application site comprises a five storey building with basement car park on the west side of Blagrove Street. The application building is not listed but is within the Market Place / London Street conservation area.

### **PROPOSAL**

The application seeks change of use of the whole building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 17 X 1-bed and 11 X 2-bed 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**

## PLANNING HISTORY

890269 - ADV - Erection of two 4' x 20' double sided PVC banners - Application Permitted

151713 - FUL - Alterations to the front elevation of 33 Blagrove Street comprising a new glazed entrance at ground and first floor level, partial extension over existing lightwell, provision of new window to match retained ground floor windows and access door cut into the existing access gate - Application Permitted

160035 - FUL - Alterations to the front elevation of the property including a new glazed entrance, partial extension over existing lightwell, provision of new window to match retained ground floor windows - Application Permitted

## RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed at the application site from 27<sup>th</sup> June 2018. The 21 day statutory consultation period ended on 18<sup>th</sup> July 2018.

One letter of objection has been received. The objection related to the following concerns:

- The development could be harmful to the business of the neighbouring pub which could lead to closure.
- Were the pub to close 12 employees would lose their jobs and Reading would lose another gay-friendly pub

Officer response:

The application for prior approval is being made under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). As the application relates to permitted development rights and is not an application for planning permission the only consideration is if the proposal complies with all the relevant conditions of the GPDO. As such the potential harm to neighbouring businesses and the resulting social impact cannot be material considerations in determining this application.

## CONSULTATION RESPONSES

Transport: No objections, subject to Informatives.

Environmental Protection: No objection subject to a condition to require a noise assessment and mitigation scheme to be submitted for consideration and agreement by the Council prior to the implementation of any consent.

## 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 B1a 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 and is split between 6 separate assessments as following: Ground Floor, 1<sup>st</sup> Floor, 2<sup>nd</sup> Floor North, 2<sup>nd</sup> Floor South, 3<sup>rd</sup> Floor and 4<sup>th</sup> Floor. The property has been split over various dates, with the latest being in 2008. The business rates description for this building is office and premises.

Regarding planning application 151713 (valid 28/09/2015), the use stated on the application form (question 14) was 'Class B1 (Offices)' and the use stated on the application form of application 160035 was 'Offices'. Neither case officer report questions or disputes this use.

Based on the evidence submitted and lack of information to the contrary, it is considered that on the balance of probability the ground, first, second, third and fourth floors of 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 upper floors of the building can be established as B1a.

(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:

0.2.—

(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, with limited residential. This area is well served by rail and bus links and also contains the largest proportion of public car parking spaces. There is no potential for any on street parking to occur due to the restrictions in place in and around the town centre.

The original B1(a) use has access to 18 parking bays at basement level accessed via Blagrove Street. This proposal seeks to retain this provision with no changes to the access. In accordance with the Councils current parking SPD each proposed dwelling should be provided with 0.5 parking spaces each, equating to a total provision of 14, therefore the proposed retention of 18 spaces is deemed acceptable as it exceeds the standard.

Cycle storage has not been illustrated on submitted plans. It is recommended that cycle storage is provided at a ratio of 0.5 spaces per dwelling which would translate into 14 cycle storage spaces; these should be provided in a secure, sheltered lockable location.

In the circumstances it is considered that the proposed change of use would not have a material impact on the character of the traffic in the vicinity of the site. Therefore, there are no Transport objections to prior approval being given for the proposed change of use subject to the Informatives stated below.

### **(b) Contamination risks on the site**

The site is not located within an area of potential contaminated land.

### **(c) Flooding risks on the site**

The site is not located within flood zone 2 or 3.

### **(d) Impacts of noise from commercial premises on the intended occupiers of the development**

It is a prior approval application so only commercial noise needs to be considered. The site is located in a busy town centre location with a number of commercial premises in the near vicinity; therefore the potential occupants are likely to be affected by noise

The Environmental Health officer provided the following comments regards potential noise impact:

A noise assessment should be submitted in support of applications for new residential proposed in noisy areas. The proposal site is within the town centre and near to late night bars. A noise assessment has not been submitted. I therefore recommend the following condition which requires a noise assessment to be carried out and mitigation installed as required to ensure acceptable internal noise levels.

## **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.

It is considered that, subject to the condition above, that the intended occupiers of the proposed development would not be unduly affected by commercial noise.

## **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 development shall be carried out only in accordance with the submitted information and details:

Drawing Number:

- P-SITE - Site Location Plan
- P-01 - Existing Ground Floor Plan
- P-02 Existing First Floor Plan
- P-03 Existing Second Floor Plan
- P-04 Existing Third Floor Plan
- P-05 Existing Fourth Floor Plan
- P-06 Existing Roof Plan
- P-07 Existing Basement Plan
- P-11 Proposed Ground Floor Plan
- P-12 Proposed First Floor Plan
- P-13 Proposed Second Floor Plan
- P-14 Proposed Third Floor Plan

- P-15 Proposed Fourth Floor Plan

As received: 18/06/2018

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

3. 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.

#### 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 2016, 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. The grant of prior approval does not make the development lawful.
3. 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.

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:  
<http://beta.reading.gov.uk/article/2565/What-noise-is-acceptable-during-construction-and-demolition-work>