

DELEGATED APPLICATION REPORT

SITE ADDRESS: 6 St Giles Court, Southampton Street

APPLICATION NUMBER: 190008/OPA

PROPOSAL: Change of use from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x studio flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

INTRODUCTION

The application site comprises a two storey unit in St Giles Court, off Mundesley Street which is accessed from Southampton Street. St Giles Court consists of 7 units and Unit 6 was last occupied by Property Funds Research Ltd.

PROPOSAL

Change of use from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x studio 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

010392 - Insertion of three windows to the south-west elevation of the building -
Application Permitted

Planning history at nearby sites:

2 St Giles Court

141315 - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x two bed flats - Prior Approval Granted

3 St Giles Court

141511 - Change of use of building (ground and first floor) from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x 2-bed flats - Prior Approval Granted

4 St Giles Court

141276 - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x two bed flats. Prior Notification under Class J, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - Prior Approval Granted

5 St Giles Court

141352 - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 1 x one bed flat and 1 x two bed flats - Prior Approval Granted

7 St Giles Court

141354 - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x one bed flats. Prior Notification under Class J, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - Prior Approval Granted

Plans/ information submitted:

LP/1 - Location Plan

FP/1 - Location Plan

BP/1 - Block Plan

Received: 2nd January 2019

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed at the application site from 11th January 2019.

The 21 day statutory consultation period ended on 1st February 2019.

No responses have been received.

CONSULTATION RESPONSES

Transport:

The Council's Transport Development Control Advisor provided the following comments:

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 1 space per unit.

The site is provided with car parking in the form of 2 parking spaces which would be in accordance with the Council's parking standards.

A residential parking permit scheme operates in the surrounding road as well as private enforcement in private roads. Future inhabitants of the proposed dwelling will not be eligible to apply for a resident or visitor parking permits; the appropriate parking condition will be applied to prevent any future occupants of the new flats from obtaining permits for the surrounding residential streets where parking is under considerable pressure.

Details of bin storage and collection have not been provided, however it is assumed that the proposed units will be serviced in the same manner as the adjacent units.

Given all the above there are no objections to this proposal, subject to the following conditions:

DC1 Vehicle parking space provided in accordance with approved plans

The dwelling(s)/building(s) hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the approved plan. The space(s) shall be kept available for parking at all times thereafter.

Reason: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users to accord with Policy CS24 & CS24 and Policy DM12.

DC7 Parking permits 1

No residential unit hereby approved shall be occupied until the Council has been notified in writing of the full postal address of the unit. The notification shall be sent to the Council's Planning Manager quoting the application reference specified on this Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 and Policy DM12.

DC8 Parking permits 2

Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit(s) hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

Reason: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 and Policy DM12.

*Officer comment: It is only appropriate to include parking permit restrictions via informative rather than condition, based on standard procedures for an OPA.

Environmental Health:

The senior Environmental Health officer reviewed the application and has no objections to the prior approval application. However informatives were provided which relate to noise, contaminated land and demolition and construction.

Informative - Noise and air quality impact on development

Whilst it is only noise from commercial uses that can be considered in this application, I would like to make the applicant aware that the new occupants at this site are likely to be exposed to high road noise levels and poor air quality. I would strongly recommend that the applicant carries out a noise assessment and follows the advice below. Any provisions for ventilation should take into account poor air quality at the facades facing the main road.

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

The noise assessment will need to identify the external noise levels impacting on the proposed site.

It may be possible through clever design to reduce the need for additional noise mitigation measures, for example, ensuring that noise sensitive rooms are located on the quieter façades and bathrooms, kitchens, hallways and cupboards etc on the noisiest facades.

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.

****Officer comment:** It is only the impact from commercial noise that can be considered under a Prior Approval application and therefore the inclusion of an informative relating to other forms of noise (ie. road noise) and air quality are not considered applicable or necessary in this instance.*

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 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.

Informative

You are advised that the development lies adjacent to the site of an historic garage, which has the potential to have caused contaminated land and the proposed development is a sensitive land use.

Due to the nature of the historic land use there is the potential of contaminated land being present. The developers must be aware that any ground or enabling works may bring receptors into contact with the aforementioned contaminants. You may wish to satisfy yourself that the details of the construction proposals take the necessary account of the possibility of contaminants from that source.

Construction and demolition phases - extensions / renovations

Informative

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 of minor developments.

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.

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 The business rates records show there to be one single business assessment, rated for business rates since at least 01.04.1995. The description of the site is office premises. Records show this business is occupied the company name Property Funds Research Ltd.

Based on the evidence submitted and lack of information to the contrary, it is considered that on the balance of probability that the ground and first floors of the building 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; **the building was last in use as B1(a) offices**

(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 provided with car parking in the form of 2 parking spaces which would be in accordance with the Council's parking standards. It is therefore considered that the proposed parking layout is acceptable. Nevertheless, informatics will be attached to this prior approval relating to parking permits, as future inhabitants of the proposed dwelling will not be eligible to apply for a resident or vehicle parking permit.

(b) Contamination risks on the site

The site itself does not possess contaminated land and therefore it was not considered necessary for a contaminated land assessment to be submitted as part of this prior approval application.

However, as also noted in the response from the Environmental Health officer, the site lies adjacent to an area of contaminated land, and therefore due regard should be taken if any ground works are undertaken.

(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 adjacent to residential development and therefore the change of use to residential is not considered to significantly impact upon noise.

The impact from road noise and the air quality issues that the future residents of the site may encounter (these issues were raised by the Environmental Health officer) are not able to be considered under an application of this type.

Recommendation: **APPROVE** Prior Approval

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 & information have been assessed:

Drawing Nos.

LP/1 - Location Plan

FP/1 - Location Plan

BP/1 - Block Plan

Received: 2nd January 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

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. The occupiers of the residential units will not automatically be entitled to an on-street car parking Permit. This is in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Core Strategy Policy CS24 and Sites and Detailed Policies Document Policy DM12. The site is located close to local facilities, with frequent public transport services on nearby roads. It is requested that the Council be notified of postal addresses of the residential units before occupation and that the occupiers / transferees to be informed of the prohibition on entitlement to a car parking permit.
3. 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.
4. You are advised that the development lies adjacent to the site of an historic garage, which has the potential to have caused contaminated land and the proposed development is a sensitive land use.

Due to the nature of the historic land use there is the potential of contaminated land being present. The developers must be aware that any ground or enabling

works may bring receptors into contact with the aforementioned contaminants. You may wish to satisfy yourself that the details of the construction proposals take the necessary account of the possibility of contaminants from that source.

5. 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 of minor developments.

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.

6. 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 timescale for the decision to be issued.