

DELEGATED APPLICATION REPORT

SITE ADDRESS: Land to rear of 8 Prospect Street, Reading

APPLICATION NUMBER: 182058/OPA

PROPOSAL: Change of use of building from Class B1(c)(light industrial) to C3 (dwellinghouses) to comprise 3 x 1 bed flats & 1 x 2 bed flats. Prior notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

INTRODUCTION

The application site comprises a two storey building located to the west of 8 Prospect Street and to the south of 223 Oxford Road.

PROPOSAL

The application seeks change of use of ground and first floor from Class B1(c) (light industrial) to C3 (dwelling houses) to comprise four units - 3 X 1-bed and 1 X 2-bed flats. Prior Notification under Class PA, 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 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

PLANNING HISTORY

171894 - OPA - Change of use of building from Class B1(c)(light industrial) to C3 (dwellinghouses) to comprise of 3 x 1 bed flats & 1 x 2 bed flats. Prior notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Approved

162176 - OPA - Change of use of building from Class B1(a)(Offices) to C3(dwelling houses) to comprise of 3 x 1bed flats and 1 x 2bed flats. Prior notification under Class), Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Refused 23/01/2017

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

No representations were received.

CONSULTATION RESPONSES

Transport: No objections, subject to informative.

Environmental Protection: No objection, subject to informative.

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 23rd November 2018

- (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:

Application 162172 was refused as the applicant failed to demonstrate that the building was used for a lawful use falling within Class B1a (office) of the Schedule to the Use Classes Order - which was the type of Prior Approval application applied for. Indeed, the evidence submitted, alongside the Council's evidence, suggested that the building was in fact in use as B1(c) light industry.

Subsequently application 171894 was submitted and approved for a change of use from a B1(c) use to a C3 use by means of Class PA of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (same as this application). In assigning application 171894 the case officer noted:

'It was apparent on the officer's site visit that whilst the building did appear to have been used in some way as an office, the front, ground floor element of the building appeared to be used as a workshop, which, whilst would not be unusual for a printing/signage company, leans more towards light industrial than office use.'

Research carried out under the name 'Thake' (as referenced in the statement of compliance as being the company name of the signage firm) brings up results under 223 Oxford Road, to the north of the site. This matches the location as per the plans submitted. It was seen on the site visit that there was access from Oxford Road. According to the Council's Business Rates Officer, under companies house, the company name has now changed to Manncroft Limited; Mann is the surname of the director so this is presumed to be correct. Further to this, history research has shown that the building in question was included in the curtilage for 223 Oxford Road (application 95-00013-FUL), with the application description 'Use of premises for B1(c) light industrial use together with ancillary showroom and elevational alterations to Oxford Road, self-contained flat on first floor with new external staircase and improvement of parking.'.'

In assessing this application there is no reason to dispute the lawful use as established during application 171984 (where Prior Approval was granted but has not been implemented to date - the three year period for implementation expires on 22/12/20).

Based on the information submitted and the Council's evidence, it would appear that the building has been office/workshop use which would suggest a B1(c) light industry type usage. This would correlate with the information found about the company, the workshop type use at the front of the building and the previous history of the site.

On the basis of the above, on the balance of probability, the lawful use of the building is B1(c) office.

- (c) The prior approval date falls on or after 1st October 2020
It does not
- (d) The gross floor space of the building exceeds 500m².
It does not
- (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 within walking distance 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. 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. A lower parking provision can be considered when the development poses no detriment to highway safety.

The plans illustrate that parking for 3no. cars could be accommodated on-site albeit that the manoeuvring space does not conform to standard. Prospect Street and the surrounding road network all have parking restrictions preventing on-street parking, therefore, any overflow in parking would not affect flow of traffic on the classified road network.

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 informative being included in the consent advising the future occupants of the flats that they would not be eligible for a resident's parking permit.

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 applicant is 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. It is not considered necessary for any conditions in this instance, but an informative is nevertheless recommended in this regard.

Flooding

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

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: **GRANT** Prior Approval

Conditions

1. The development permitted must be completed before the expiration of three years from the date of this approval.

Reason: To comply with the provisions of paragraph PA.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 No:

- 02-01 Rev. P - Proposed Site Location Plan
- 03-30 Rev. P - Existing Floor Plans
- 03-30 Rev. P - Proposed Floor Plans

Received: 23/11/2018

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

Informatives

1. The proposal meets the relevant criteria set out in Class PA and the proposal is not considered to have an adverse impact in relation to transport and highways matters, contamination risks on the site, flooding risks on the site; or impacts on the sustainability of light industrial and / or storage and distribution services in the area.
2. The applicant is advised that as an application for prior approval under Class PA, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, 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(c) to C3 (dwellinghouses) only and no other use.
3. 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.
4. The occupiers of the residential units will not be entitled to an on- street car parking Permit. The parking permit conditions above place a requirement 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. 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.
5. 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 be made aware 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 within the Transport Strategy area of the Transport Section on the Reading Borough Web Site.
6. 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://www.reading.gov.uk/environmentalprotection>
7. There should be no burning of waste on the site.

8. You are advised that the development lies adjacent to a potentially contaminated site. 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.