

DELEGATED APPLICATION REPORT

SITE ADDRESS: Clarendon House 59-75 Queens Road Reading

APPLICATION NUMBER: 170905/OPA

PROPOSAL: Change of use of building from Class B1(a)(offices) to C3 (dwellinghouses) to comprise 49 residential units. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Introduction

The application relates to a five storey building with basement located on the north side of Queens Road at the corner junction with Watlington Street. The site is located within flood zone 2, an air quality management area and the rear car park is identified as an area of potential contaminated land.

Proposal

Change of use of building from Class B1(a)(offices) to C3 (dwellinghouses) to comprise 49 residential units (9 at ground floor level & 10 on each of the upper floors). Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Positive and Proactive Engagement

This is an application for whether prior approval is required; the requirements of 186-187 of the NPPF for the LPA to engage in a proactive manner are therefore not relevant.

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

In this case, having initially reviewed the application, the Local Planning Authority has determined that prior approval is required in this instance due to the potential impact concerning points a) to d).

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

Relevant Planning History

930087 - Change of use from existing B1 consent to A2 consent of the Town and Country Planning (Use Classes) Order 1987 as amended - Granted.

Response to publicity (representations received)

In relation to this 'prior approval' application, a site notice was erected on site by the case officer. No comments received.

CONSULTATION RESPONSES

Transport: No objection subject to an informative.

Environmental Protection: Recommend conditions with regard to commercial noise and contaminated land.

APPRAISAL

Development is not permitted by new Class O in the following instances (officer comments follow in italics):

(a) The building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019 (*no*)

(b) The building was not used for a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use (*the building was last in use as B1(a) offices - as evidenced by information included in the submission of the application, in spite of the historic planning history referenced above*)

(d) The site is or forms part of a safety hazard area (*it does not*)

(e) The site is or forms part of a military explosives storage area (*it does not*)

(f) The building is a listed building or a scheduled monument (*the building is not a listed building or a scheduled monument*)

There are conditions to Class O:

This assessment can only consider the transport, flood risk, contamination risk of the development and noise from commercial premises:

Transport:

The site is located to the north side of Queens Road (A329), a major transport corridor into Reading. The site is currently occupied by a 2,239sqm office building with 56 parking spaces. Vehicle access to the site is provided via Kennet Side which operates one-way from west to east. Queens Road and the surrounding road network all have parking restrictions preventing on-street parking. Kennet Side and Sidmouth Street consists of a mixture of double yellow lines and permit holder only parking bays.

This proposal involves a change of use of the office building from Class B1(a) to C3 (dwelling houses) to comprise of 49 residential flats.

The site is located within just Zone 1, Central Core Area, of the Borough's Revised Parking Standards and Design SPD. This area lies at the very heart of the town centre consisting primarily of retail and commercial office developments. This area is defined as having the best transport hubs, with both the main railway station and bus interchanges. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 0.5 space per 1-2 bedroom unit.

Vehicle access to the car park will be retained from Kennet Side. It is proposed to provide 24 car parking spaces for the residential units within the existing car parking area which complies with the Council's adopted standards. A minimum of 25 cycle spaces will be provided within a secure store within the basement of the building. The application does not address how the remaining 31 parking spaces will be utilised.

It is accepted that the existing office use will generate more vehicular trips in the peak hours than the proposed residential use. Therefore, the proposed residential development will not increase traffic in the vicinity of the site.

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. 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.

Contamination

The rear car park area of the site is located within an area of potential contaminated land. A phase 1 preliminary risk assessment has been submitted as part of the application which concludes that a phase 2 environmental site investigation should also be carried. Environmental Protection Officers have reviewed the phase 1 survey and recommend a condition is attached to any decision notice to require a remediation scheme to be submitted to the Local Planning Authority for approval prior to the commencement of any works on site.

Noise Impact from Commercial Premises

The legislation only allows the Council to consider the potential impact of noise from commercial premises on the intended occupiers of the development, and therefore traffic noise, unless directly associated with commercial premises in the vicinity of the application site, cannot be taken into consideration.

Environmental Protection officers have raised some concern regarding noise from the Lyndhurst Pub which is located on the opposite side of the road at no. 80 Queens Road, 40m from the application site. However the pub is the only potential source of commercial noise disturbance identified within the vicinity of the site and given the distance of this pub and the nature of the premises which is a small pub open until 11pm it is not considered that this in itself would warrant objection or additional noise mitigation measures by way of condition. Furthermore, prior approval has been given for change of use from office to residential at Havell House (ref.s 160023, 160024 and 160025) and Wesley Gate (ref. 170314) on the opposite side of Queens Road which are located a similar distance from the Lyndhurst Pub without any commercial noise concerns.

Given the nature of the uses of the buildings immediately surrounding the site (office/residential uses) it is not considered that future occupiers would be significantly harmed by noise of nearby commercial premises in this instance.

Flooding

The site is located within flood zone 2. A flood risk assessment has been submitted as part to the application which demonstrates that:

- *Ground floor levels (lowest level of habitable accommodation) are set more than 300mm (a minimum of 38.35m AOD) above the 1 in 100 year plus climate change flood level of the site (37.76m AOD).*
- *Environment Agency mapping indicates that the site is at 'very low' or 'low' risk of surface water flooding and the Council's Strategic Flood Risk Assessment does not identify any historic flooding events in the vicinity of the site. The development will comprise internal conversion of an existing building. There will be no changes to surface water flows from the development.*
- *Dry pedestrian access and egress is available to the south of the site via Queens Road whilst safe pedestrian and vehicular access is available to the north of the site via Kennet Side and Watlington Street.*
- *The risk of ground water flooding for the site is low. Surface water drainage will be managed and disposed of within the site boundary by existing measures.*

Other

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.

It is noted that the proposed floor plans show replacement of doors with a window (as shown on drawing no. 4929 02 B - Proposed Ground Floor Plan received on 2nd June 2017)

to the front elevation. Prior approval under Class O does not permit any external change to the building and relates to change of use only. A suitably worded informative will be added to the decision notice advising the applicant of the need to ensure that they have secured the appropriate other permissions for any external changes to the building.

Recommendation:

GRANT Prior Approval, subject to conditions

Condition:

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 and drawings have been assessed:

Drawing no.s

4929 01 B - Proposed Basement Plan
4929 02 B - Proposed Ground Floor Plan
4929 03 B - Proposed First Floor Plan
4929 04 B - Proposed Second Floor Plan
4929 05 B - Proposed Third Floor Plan
4929 06 B - Proposed Fourth Floor Plan
4929 11 - Existing Basement Plan
4929 12 - Existing Ground Floor Plan
4929 13 - Existing First - Fourth Floor Plans
4929 20 G - Parking Plan
4929 21 - Existing Parking Layout
4929 19 - Site Plan

Received on 2nd June 2017

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

3. 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.

Reason: to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

Informative:

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, separate planning permission is required for these. For example, it is noted that the proposed floor plans show replacement of doors with a window (as shown on drawing no. 4929 02 B - Proposed Ground Floor Plan received on 2nd June 2017) to the front elevation. The grant of prior approval does not make the development lawful.
3. The occupiers of the residential units will not be 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 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. 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.
4. 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>