

TOWN AND COUNTRY PLANNING ACT 1990

**Town and Country Planning (General Permitted Development)
(England) (Amendment) Order 2016**

To: Independent Planning Consultant
Parkside House
11 Silwood
Bracknell
Berkshire
RG12 8WU

Application No: 162305
Application type: Office use to dwelling
house - Class O, Part 1 GPDO 2015

**APPLICATION FOR PRIOR APPROVAL
UNDER CLASS O, PART 3 OF SCHEDULE 2 TO THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT)
ORDER 2016**

Applicant: Wallwork Sturmer LLP

READING BOROUGH COUNCIL as Local Planning Authority give notice that the prior approval of the Local Planning Authority is **GIVEN** for the following development in accordance with the plans and supporting information submitted in connection with this application.

Proposal: Change of use from Class B1(a)(Offices) to Class C3 (dwelling houses) to comprise 16 self contained flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2016

At: 9 Southern Court South Street Reading RG1 4QS

OTHER STATUTORY CONSENTS MAY BE REQUIRED



Date: 6 February 2017

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Application At: 9 Southern Court South Street Reading RG1 4QS

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The development shall be carried out in accordance with the details approved by the Local Planning Authority as follows, unless otherwise agreed in writing by the Local Planning Authority:

CONDITIONS & REASONS

1. This development under Class O is permitted subject to it being completed within a period of 3 years starting with the prior approval date on this decision notice.

Reason: To comply with the requirement of paragraph O.2. (2) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

2. The following plans, drawings and documents have been assessed:

Site Location Plan

Existing Ground and First Floor Plans, Rev 5

Existing Second Floor Plan, Rev 1

Proposed Ground Floor Plan, Rev 6, as received 22/12/16

Proposed First Floor Plan, Rev 3

Proposed Second Floor Plan, Rev 3

Existing and Proposed Rear Elevations, Rev 1

Email from PACT 'RE: 9 Southern Court use?', dated 13/10/16

Phase One Environmental Assessment Report by SLR, Ref 427.05052.00002 Version 1, dated October 2016, as received 11/01/17

Impact of noise from commercial premises report by Spectrum Acoustic Consultants, Ref NDT5132/16376, dated 18/10/16

Letter from Paul Scott, Ref PS/503, dated 12/12/16

Email from SLR Consulting, dated 14/01/17, as received 18/01/17

All received on 13/12/16, unless where otherwise stated.

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

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



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are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014. 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 intended occupiers from the impacts of noise from commercial premises, in line with policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) and Policy RC9 of the Reading Central Area Action Plan 2009.

INFORMATIVES

1. The proposal meets the relevant criteria set out in Class O 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 of noise from commercial premises on the intended occupiers of the development.
2. The granting of Prior Approval relates only to the change of use of existing floor space and land. If external alterations or extensions to the building are intended, a separate planning application is required for these works.
3. 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 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(a) to C3 (dwellinghouses) only and no other use.
4. This prior approval relates only to the change of use of existing floor space and land. Planning permission (or a certificate of lawfulness, should you consider the works to fall outside of the meaning of development) is required for any external alterations or extensions to the building. The grant of prior approval does not make the development lawful.
5. 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 nearby residential properties by adding to the already high level of on street car parking in the area in



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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.

6. In connection with the implementation of this office prior approval, no 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/nuisance>

7. There should be no burning of waste on the site.

8. It is fully acknowledged that this is a prior approval application and therefore Private Sector Housing Environmental Health objections cannot be taken into account in the determination of the application. However, a number of concerns are being brought to the attention of the applicant as the current proposed layout may result in the need for future enforcement action under Part I of the Housing Act 2004. More specifically:

Local Authorities have a duty under the Housing Act 2004 to keep housing conditions within their district under review and to initiate inspections if there are reasons to believe that conditions within a dwelling may pose a danger to health or risk of injury to residents or visitors.

Hazards are assessed using the Housing Health and Safety Rating System (HHSRS). The assessment is based on inspection of a dwelling to see whether there are any deficiencies that may cause a hazard. The inspector then makes an assessment of the likelihood of harm occurring due to the hazard over a 12 month period and, if it does occur, how severe is the hazard likely to be. It is possible for poorly designed and laid out dwellings to inadvertently give rise to a category 1 hazard for which the Council would then have a duty to take action.

Where a category 1 hazard is found in a dwelling, the Council has a duty to take enforcement action. The options available include:

- To serve an improvement notice - this requires the responsible person to carry out remedial action to remove the hazard. Failure to comply with an enforcement notice without reasonable excuse is a criminal offence;
- To make a prohibition order - this prohibits the use of part (or all) of a dwelling for specific purposes, such as for use as residential accommodation. Failure to comply with a prohibition order without reasonable excuse is a criminal offence.



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The Council has a similar power in relation to category 2 hazards. The above enforcement options usually come into effect after a specific time, which allows for an appeal to be made against them.

Lighting - Poor access to daylight and/or an adequate outlook can be harmful to the health of the occupiers of dwellings. The HHSRS Operating Guidance states that inadequate light can lead to the following health conditions:

- Depression and other psychological effects caused by a lack of natural light or the lack of a window with a view;
- Eye strain from a lack of adequate light (natural or artificial).

The Guidance advises that these deficiencies are frequently worst where dwellings are located at basement level and particular care should be taken with these. Attic dwellings fitted solely with velux windows or skylights are also noted as being problematic due to poor access promoting feelings of isolation. Access to daylight can be negatively affected by a number of issues, such as:

- Inadequately sized or poorly positioned windows that prevent good daylight penetration and outlook;
- Windows that are positioned such that outlook and daylighting are blocked or overshadowed by nearby objects and buildings;
- Inappropriately shaped windows that prevent a view of the outside.

Where the above deficiencies feature in a planned dwelling, they increase the likelihood of a category 1 hazard occurring. Often the only option available would be prohibition of the dwelling as structural changes are often not practicable.

Private Sector Housing Environmental Health officers are particularly concerned that, on the face of it, there are no windows in the proposed units 12, 13 and 15. This will almost certainly give rise to a category 1 hazard under the Housing Act 2004, for which the Council would be obliged to take action. If it subsequently proved impracticable for suitable remedial works to be undertaken, the Council may be left with no option but to prohibit the use of these units as residential accommodation. Therefore, the applicant is urged to reconsider this design.

On a related note, it appears these units would be dependent upon artificial ventilation to remove moisture and prevent condensation. The lack of windows will therefore carry an increased likelihood of condensation forming in these dwellings, as residents may be deterred from using artificial ventilation at night if the noise created results in sleep disturbance.



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Collision and entrapment - From the floor plans, it appears the intention is for beds to be placed on a mezzanine level above the kitchen/lounge facilities. It is advised that they should ensure there is adequate ceiling height above the mezzanines for the following reasons:

- To prevent residents striking their head on the ceiling; and
- When calculating useable floor space, we disregard any floor space where the ceiling height is less than 1.5 metres.

Falling on stairs etc - It also appears from the floor plans that the intention is for the bed areas to be reached via alternating tread staircases. These can be problematic when assessed using HHSRS (particularly as residents will normally be unfamiliar with such fittings) and it is recommended that handrails be fitted on either side of the staircase to reduce the likelihood of a fall as far as possible.

Should you wish to discuss this further, please contact the Private Sector Housing officer on 0118 937 3828.



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