

DELEGATED APPLICATION REPORTS - Application No's: A) 161614/FUL & B) 161615/LBC

Address: Brightwell House, 40 Queens Road, Reading, RG1 4AU

Proposal:

A) Conversion of front part of the ground floor and the whole of the basement from a Clinic (Class D1) to create a 2 bedroom duplex apartment (Class C3)

B) External and internal works associated with conversion of front part of the ground floor and the whole of the basement from a Clinic (Class D1) to create a 2 bedroom duplex apartment (Class C3), including relocating the basement stair, installing two sun-pipes down to the basement, and modifying the lightwell parapet at the front of the property.

1. Site Description and Surrounding Area:

The application site contains a three storey mid-terrace building located on the south side of Queens Road, with the junction to Sidmouth Street to the east. The building is grade II listed, as part of the No's 24-52 (even) Queens Road listing (listing entry number 1113563). This was constructed as a very slight crescent in 1832-33 by J J Cooper architect. It is of 3 storeys plus basement, built of Bath stone ashlar with channelled ground floor with band over, and plain cornice and parapet. Traditional box sash windows, including some pedimented stone surrounds, and with bracketed hoods over the entrances, which comprise 4 panel doors with rectangular overlights and architrave surrounds. It is noted that the listing does not describe any internal features of particular note (but it is not clear whether the interiors were inspected or not). The site is not within a conservation area.

The application site has a large single storey rear addition, built in the latter part of the 20th century. The site also contains six (tandem) vehicular parking spaces, accessed from Livery Close. The site is also within an Air Quality Management Area, Flood Zone 2 and the Reading Central Area Action Plan boundary. The surrounding area contains a mix of uses, predominantly commercial at ground floor level with a wider variety of uses at upper floor levels. There have been a number of planning/listed permissions for residential uses in recent years, such as No's 24-26 (Refs 06/01172 & 06/01173), No. 28 (Ref 070849), No. 34 (Refs 131103 & 131105), No. 48 (Refs 120939 & 121644) and No. 52 (Refs 110380 & 110381).

2. Proposal:

The proposed seeks full planning permission (161614) for conversion of front part of the ground floor and the whole of the basement from a Clinic (D1) to create a 2 bedroom duplex apartment (C3). Listed building consent is also sought for internal and external alterations to the ground floor and basement to facilitate the proposed change of use. The internal and external changes include:

Internal:

- New staircase from ground floor to basement level.
- New partition corridor from main ground floor front entrance door
- New insulation to internal front wall
- Alterations to ground floor front window shutters
- Partition walls

External:

- Reduction in height of existing basement lightwell parapet wall

- Demolition of rear ground floor cupboard element
- Replacement of rear ground floor window with doors and smaller window
- Rear bin and cycle store area approved under similar recent applications
- Installation of sun tubes.

3. Plans Considered:

Drawing no.s

- AS1465/PLA11a rev C - Proposed Floor Plans - Basement/Part Ground Floor Unit
Received on 15th December 2016

- AS1465/PL09 rev A - Existing and Proposed Parking
- AS1465/PL01 rev C - Site Location Plan
- AS1465/PL04 rev D - Site Block Plan
Received on 30th August 2016

4. Relevant Planning History:

- 151183/FUL & 151184/LBC - Planning permission and listed building consent for change of use of first and second floors from office (Class A2) to 2x1-bed residential units (Class C3) and associated works - Granted 24/11/2015.
- 160290FUL & 160291/LBC - Internal and external alterations associated with change of use at rear ground floor level from clinic to one residential unit and erection of single storey building to rear for associated cycle/waste storage - Granted 26/7/2016.
- 160292/APPCON - Discharge of conditions 5 (cycle storage), 6 (refuse) and 8i (BREEAM design stage) of planning permission 151183 - Details approved 13/4/2016.
- 161611/FUL & B) 161612/LBC - A) Change of use of first and second floors from office (Class A2) to 2x1-bed residential units (Class C3) and associated works. B) Internal alterations associated with change of use of first and second floors from office (Class A2) to 2x1-bed residential units (Class C3) and associated works - Granted 14/11/2016

5. Public Consultation:

Notification letters were sent to nearby properties on 23/09/16 and site notices were also displayed. No responses have been received.

6. Consultation Responses:

Transport - No objection subject to conditions.

Environmental Protection -

Noise impact on development

There may be an adverse impact on future residents due to noise from traffic on Queens Road. We would recommend that a noise assessment is carried out so that the developers can satisfy themselves that an appropriate level of noise mitigation measures are incorporated.

The noise assessment should identify the external noise levels impacting on the façade of the proposed dwellings. The external noise levels can be used to ensure that the design, particularly in terms of glazing and ventilation would control noise levels sufficiently to provide a good quality living environment.

We refer to BS 8233:2014 and the WHO guidelines for community noise which provide guidance on acceptable noise levels. We look at noise levels within bedrooms at night (23:00hrs-07:00hrs) and living rooms during the day (07:00hrs to 23:00hrs) and external amenity space (gardens / balconies, etc).

Room	Design criteria	Upper limit
Bedrooms (23:00 to 07:00)	<30dB LAeq,8hour	
Living rooms (07:00 - 23:00)	<35dB LAeq,16hour	
Gardens & Balconies	<50dB LAeq,T	<55dB LAeq,T

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*

* Planning Officer comments: the applicant is proposing to include secondary glazing, as detailed within the submission documentation. Given the listed nature of the building, it is considered that in this instance this presents the only feasible measure to reduce the noise impact of Queens Road on future residents. The secondary glazing details are to be secured via condition. Within this context, it is not considered reasonable to also include a condition to secure a separate noise assessment too.

7. Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

8. Relevant Planning Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy, Sites and Detailed Policies Document and Central Area Action Plan) 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).

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough LDF Core Strategy (Adopted January 2008) (Altered 2015)

- CS1 Sustainable Construction and Design
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS11 Use of Employment Land for Alternative Uses
- CS14 Provision of Housing
- CS15 Location, Accessibility, Density and Housing Mix
- CS20 Implementation of The Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS33 Protection and Enhancement of the Historic Environment
- CS34 Pollution and Water Resources
- CS35 Flooding

Sites and Detailed Policies Document - (Adopted October 2012) (Altered 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaption to Climate Change
- DM4 Safeguarding Amenity
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- DM12 Access, Traffic and Highway-Related Matters
- DM19 Air Quality

Reading Centre Area Action Plan 2009

- RC5 Design in the Centre
- RC6 Definition of the Centre
- RC9 Living in the Centre

Supplementary Planning Documents

Affordable Housing SPD (2013)

Revised Parking Standards and Design SPD (2011)

Revised SPD on Planning Obligations under Section 106 (2015)

Sustainable Design and Construction SPD (2011)

9. Appraisal

The main issues are:

- a) Principle of development - land use matters
- b) Design, heritage assets and impact on the character and appearance of the surrounding area
- c) Amenity - for future occupiers and impact on neighbours
- d) Transport Issues
- e) Affordable housing
- f) Other matters - Sustainability, Flooding, Air Quality & CIL

a) Principle of development - land use matters

Various recent planning applications have permitted the conversion of all other parts of the building to residential use. The parts of the building affected by the current application (part of ground floor and basement) are currently in use as consulting rooms and reception for a D1 (clinic use). Whilst located within the Reading Central Area there is no objection to loss of the existing D1 centre use in this location. Policy RC6 seeks to locate town centre uses in this location but does not preclude other types of development taking place in these locations such as housing as mixing uses is at the heart of the strategy. The ground floor and basement levels of other buildings within the same terrace of properties have been converted to residential. There are not considered to be any land use issues with the loss of the existing clinic.

b) Design, heritage assets and impact on the character of the surrounding area

Externally the proposal seeks some minor alteration to the listed building. Details of the reduction in height of the parapet to the front light well with new railings to enclose and the proposed replacement rear ground floor doors and window can be secured by way of a suitably worded condition. The rear cupboard area to be demolished is a later addition and does not form part of the original fabric of the building. Subject to the above details to be provided by way of condition there is no objection to the external alterations proposed, including the proposed sun pipes.

The most significant internal alteration proposed is the proposed new stair case from the ground floor down to the basement. This is required in order to maintain a separate access to the clinic to the rear of the building and uses to the upper floors. It is considered that the siting of the proposed staircase is such that it would not result in any significant loss of the plan form of the building, leading down to the basement only. Detailed drawings of the new stairs and method of construction can be secured by way of a suitably worded condition. All other partition wall insertions are considered acceptable on the basis that these would be reversible additions that would not significantly harm the historic fabric of the listed building.

Amended plans have been submitted which have switched the position of the living room and one of the bedrooms such that the bedroom would be on the ground floor and living room now to the basement. This would allow retention of the existing fireplace and ground floor level which is considered significant in terms of preserving the character of the listed building. Full details of the insulation material to be applied to the internal front wall of the building as well as alterations to the front internal window shutters can also be secured by way of condition. Subject to the acceptable details being submitted in respect of the above elements under condition there is no objection to the principle of the proposed alterations to the listed building which it is considered would preserve its historic character.

Policy CS7 and CS33 of the Reading Core Strategy 2008, 2015 and Policy RC5 of the Reading Central Area Action Plan 2009.

c) Amenity - for future occupiers and impact on neighbours

For future occupiers it is considered that the proposal would provide an adequate level of accommodation. At basement level the proposed bedroom would be served by two significant light well windows whilst the light well parapet is to be reduced in height to improve daylighting to the room. Basement ceiling heights are sufficient. The proposed is not self-contained at basement level set over both basement and ground floor level. At ground floor level the rooms would have suitable outlook and daylighting. The proposed basement kitchen would be served by two sun pipes only whilst this would not provide the same level of daylighting as a window this would be a non-habitable space and therefore, on balance, it is not considered that this would result in such an unacceptable level of residential accommodation to future occupiers of the unit as a whole to warrant refusal on this basis.

In terms of noise disturbance from Queens Road, the applicant is seeking to include secondary glazing, which is considered to be the most effective means of minimising noise within the context of this being a listed building. Details of the secondary glazing can be secured via condition. With this condition secured, it is not considered reasonable to also seek a noise report in this instance. In terms of amenity space, as with the majority of town centre dwellings created by a change of use, meaningful amenity space is not capable of being provided on site. This however is not considered to unduly compromise the overall quality of accommodation proposed.

It is not considered that the proposed change of use or bin/bike store facilities proposed would cause any significant adverse amenity impacts for neighbouring and nearby occupiers. This is in terms of overlooking, outlook, sense of enclosure, daylight/sunlight and overshadowing matters. In terms of noise/dust/disturbance, a condition will specify the construction hours and, given there is no external amenity space, no harmful noise/dust/disturbance over and above that possible from the lawful office use, is anticipated at the site. As such, the proposals are considered to comply with policy DM4.

d) Transport Issues

The site is located within the Zone 2, the primary core area but on the periphery 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.

The Design Statement states that it is intended to provide 2 x car parking spaces (in tandem arrangement) for the new development with the remaining spaces used for the sole use of the Clinic accessed via Livery Close. Alternatively the remaining 2 car parking spaces can be used for the other ground floor residential units if conversion of the clinic is undertaken at a later time.

The development will be provided with shared use of the secure cycle shed and refuse area and this is deemed acceptable.

Whilst the site is accessible to good public transport links and local shops, the parking demand created by this development should not be accommodated on the surrounding roads where there is significant demand for on-street parking. The development site is located in an area designated as a Residents Parking Permit Area. Under the Borough's current parking standards, this proposal would generate additional pressure for parking in the area. Therefore there should be an assumption that any future occupants of the flats will not be issued with resident parking permits.

There is no transport objection to the proposal subject to the conditions and informatives recommended above.

e) Affordable housing

West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit.

The High Court handed down its judgment on the case on 31st July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG. The Secretary of State appealed the judgment and the Court of Appeal then quashed the decision of the High Court.

At its meeting of the Strategic Environment Planning and Transport Committee on 13th July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf)

.

Having considered its options, the Committee agreed the following as the basis for determining planning applications where Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

In this new policy context the proposal relates to the conversion of an existing property for 10 or less units and therefore is excluded from the requirements of Policy DM6 and no affordable housing contribution is subsequently required.

f) Other matters - Sustainability, Flooding, Air Quality & CIL

Sustainability - Prior to the first occupation of any residential unit hereby approved, a final BREEAM Domestic Refurbishment certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that the dwellings achieve at least a 'Very Good' rating.

Policy CS1 of the Core Strategy 2008, 2015 and the Sustainable Design and Construction SPD 2007.

Flooding - The site is located within flood zone 2. The applicant has provided flood related information, covering elements of the Environment Agency standing advice. In this case the following is considered to be pertinent:

- The existing ground floor level is considerably higher than the predicted flood levels.
- The development will comprise internal conversion of an existing building. There will be no changes to surface water flows from the development.
- Surface water drainage will be managed and disposed of within the site boundary.
- Given the ground floor levels suitable access and evacuation routes are possible to this point from the basement via the proposed staircase.

With this in mind it is considered that the proposals comply with policy CS35.

CIL - The proposal is not CIL liable given the existing clinic has been in use for at least 6 out of the previous 36 months.

RECOMMENDATION:

GRANT Planning Permission and Listed Building Consent, subject to conditions and informatives

Conditions

161614/FUL

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

Reason: To prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall not be carried out other than in accordance with the following drawings:

Drawing no.s

- AS1465/PLA11a rev C - Proposed Floor Plans - Basement/Part Ground Floor Unit

Received on 15th December 2016

- AS1465/PL02 rev B - Existing Floor Plans
- AS1465/PL01 rev C - Site Location Plan
- AS1465/PL04 rev D - Site Block Plan

Received on 19th September 2016

- AS1465/PL09 rev A - Existing and Proposed Parking

Received on 26th August 2016

Reason: To clarify which drawings have been approved and in the interests of proper planning.

3. The residential units hereby approved shall not be occupied until the Council has been notified in writing of the full postal address of the units. Such notification shall be addressed to the Council's Planning Manager (Implementation) quoting the planning application reference specified in this Decision 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 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

4. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential units hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential units for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential unit.

Reason: In order that the prospective occupiers are made aware of the fact that they 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 Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

5. In connection with the implementation of this permission, no works shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. Works shall not take place outside these hours or at anytime on Sundays and Bank Holidays without the prior written approval of the local planning authority.

Reason: To protect the amenity of occupiers of existing nearby properties from noise and disturbance from works connected with implementing this permission, in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

6. Prior to the first occupation of both the residential units hereby approved, a final BREEAM Domestic Refurbishment certificate shall be submitted to and approved, in writing, by the Local Planning Authority, demonstrating that the development achieves a least a 'Very Good' rating with a minimum score of 62.5 points.

Reason: To ensure that the development contributes adequately towards environmental sustainability, in accordance with Policy CS1 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM1 of the Sites and Detailed Policies Document 2012 (Altered 2015).

Informatives

1. The occupiers of the residential dwellings 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 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.
2. 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.
3. The applicant is advised that an application for building regulations approval will be required.
4. The Local Planning Authority has worked positively and proactively with the applicant to clarify details in relation to affordable housing during the course of the application, to enable a positive officer recommendation to be made.
5. There should be no burning of waste on the site. For further information about construction and demolition nuisance law please refer to: <http://www.reading.gov.uk/residents/environmental-health-and-protection/construction-demolition/>
6. For the avoidance of doubt, this application has only considered and approved the basement and part of the ground floor of the building (as outlined in the description of development) and not the other floors of the building as shown on the plans

referenced above (which have been subject to separate applications at the site in the recent past).

161615/LBC

1. The works to which this consent relate shall be begun not later than the expiration of three years from the date of this consent.

Reason: in accordance with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:
 - a) Sample materials, plan, elevation and section drawings of the new secondary glazing at a scale 1:10.
 - b) Sample materials, plan and section drawings of alterations to window shutters
 - c) Sample materials, plans, elevation and elevation of new rear doors and window to ground floor bedroom
 - d) Sample materials, plan, elevation and section drawings of the works to reduce the height of the parapet to the front light well and proposed railings

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).

3. Notwithstanding what is shown on drawings or other documents hereby approved, detailed design drawings and schedule of works, including details of method of construction, for all new stairs shall be provided submitted to and approved in writing by the local planning authority. Works undertaken shall be in strict accordance with the approved details and retained.

Reason: To accord with Reading Borough Council Core Strategy CS33: Protection and Enhancement of the Historic Environment and for the purpose of ensuring that work is appropriate to the special architectural or historic interest of the listed building.

4. Details of all proposed internal partition walls, which shall include details of the method of construction as well as all new internal doors are to be submitted to, and approved in writing by, the local planning authority prior to commencement of related work.

Reason: To accord with Reading Borough Council Core Strategy CS33: Protection and Enhancement of the Historic Environment and for the purpose of ensuring that work is appropriate to the special architectural or historic interest of the listed building.

5. Details of the internal wall treatment proposed to the front elevation of the building, which shall include specification of treatment and method of application, are to be submitted to, and, approved in writing by, the local planning authority prior to commencement of the development hereby permitted.

Reason: To accord with Reading Borough Council Core Strategy CS33: Protection and Enhancement of the Historic Environment and for the purpose of ensuring that work is appropriate to the special architectural or historic interest of the listed building.

Informatives:

1. Officers have worked positively and proactively with the applicant to determine the application within a reasonable timeframe for determining such applications in conjunction with the associated application for full planning permission.
2. For the avoidance of doubt, no other works are approved except those as authorised by this Consent. Any other works required to the Listed Building may require a separate application for Listed Building Consent and/or an application for Permitted Works to a Listed Building.
3. The consent relates only to the following plans/drawings/documents, and the works hereby approved shall be carried out in all respects in accordance with the submitted application and accompanying drawings:

Drawing no.s

- AS1465/PLA11a rev C - Proposed Floor Plans - Basement/Part Ground Floor Unit

Received on 15th December 2016

- AS1465/PL02 rev B - Existing Floor Plans
- AS1465/PL01 rev C - Site Location Plan
- AS1465/PL04 rev D - Site Block Plan

Received on 19th September 2016

- AS1465/PL09 rev A - Existing and Proposed Parking
- Design Statement by the AED Practice

Received on 26th August 2016