

DELEGATED PLANNING APPLICATION REPORT

Ward: Norcot

App Ref: PL/24/1180

Address: 2 FACTORY PLACE, WILSON ROAD, READING, RG30 2GU

Proposals: Demolition of existing commercial premises and erection of 3 No. 2 bedroom terraced houses (use class C3) without complying with condition 17 of planning permission 160180 to allow the room in the loft to be used as a bedroom

Case Officer: Sian Hickey

Date received (valid from): 09/09/2024

Target Decision date: 07/11/2024

SITE DESCRIPTION

The site is located on Wilson Road and formerly contained a plastics factory which extended across the majority of the site, with a small forecourt. The surrounding area is a mix of residential and commercial, with Grovelands Baptist Church to the north.

Planning permission 160180 was granted on 17/ 1/2017 for the demolition of the existing commercial premises and erection of 3 No.2-bedroom terraced houses (Use Class C3) (amended description), and is built.

Site visit date: 03/10/2024

Site visit photos:



PROPOSAL

The 3 x 2-bed terraced houses have been erected. However, permission is sought for the original planning permission to be varied by a change to a condition as approved under planning permission 160180.

The change relates to plot 2 (2 Factory Place).

The proposal is to vary condition 17 to allow for the second floor study (loft room) to be used as a bedroom, but no proposed wording was presented.

Condition 17 states:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no dwelling hereby approved shall be used other than as a Class C3 dwellinghouse, containing no more than two bedrooms, and shall not be used for any other purpose.

Reason: To ensure that all future occupiers benefit from an acceptable quality of outlook from bedrooms and to ensure that appropriate parking provision is made for future occupiers. The small size of the dwellings make them unsuitable for multiple occupation. In accordance with Policies CS20 and CS24 of the Reading Borough LDF Core Strategy 2008; Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 and the Revised Parking Standards and Design SPD 2011.

An application submitted under s73 allows the local planning authority to only consider the proposed amendments. All other matters remain as approved under the original planning permission, ref. 160180.

PLANS AND DOCUMENTS CONSIDERED

Drawing No. 1024-00-GA rev A– Proposed Floor Plans
Drawing No. 1024-00-EL rev B – Proposed Elevation Plans
Drawing No. 1024-00-SP rev C – Proposed Block Plan

As received 09 September 2024

PLANNING HISTORY

160180/FUL - Demolition of existing commercial premises and erection of 3 No. 2-bedroom terraced houses (Use Class C3) (amended description). PERMITTED SUBJECT TO LEGAL AGREEMENT 17/ 1/2017

CONSULTATIONS

RBC Housing: No comments received

RBC Valuations: No comments received.

RBC Transport: This site gained full planning permission under app ref 160180 for the erection of 3 x 2-bedroom houses. This application is to change condition 17 to allow the loft room to be used as a 3rd bedroom at no. 2 Factory place.

The proposals would provide the development with 3no. off street parking spaces accessed directly from Wilson Road. It is noted that the proposed parking provision is lower than the Council's adopted standards. However, the development site is located in an area designated as a Residents Parking Permit Area Zone 07R.

Providing conditions 10 and 11 of consent 160180 remain to prevent any future occupants of the new dwellings from obtaining a residents parking permit (including visitor permits) for the surrounding residential streets to protect the amenities of the existing residents, there would be no highway impact from the loft room being used as a bedroom. Therefore, there are no transport objections to this application.

Neighbour Notification

The following addresses were consulted by letter.

2 Wantage Road, Reading, RG30 2SE
Ground Floor Flat, 4 Wantage Road, Reading, RG30 2SE
First Floor Flat, 4 Wantage Road, Reading, RG30 2SE
4 Wilson Road, Reading, RG30 2RN
6 Wilson Road, Reading, RG30 2RN
8 Wilson Road, Reading, RG30 2RN
10 Wilson Road, Reading, RG30 2RN
12 Wilson Road, Reading, RG30 2RN

No public letters of objection have been received.

RELEVANT POLICY AND GUIDANCE

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible. This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'.

This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered to include, "any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for, stating that "if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly" (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

The grant of a planning permission under Section 73 essentially provides a new planning permission. It is therefore necessary to reconsider the overall development proposal against the development plan. The key issues for consideration comprise the principle of the development whilst having regard to the impact upon the character and appearance of the area, the effects on traffic generation and highway safety, amenity and the natural environment.

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

National Policy and Guidance

National Planning Policy Framework
National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING

SPD

Revised Parking Standards and Design (2011)

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.

APPRAISAL

Policy CC8 states *“Development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:*

- *Privacy and overlooking;*
- *Access to sunlight and daylight;*
- *Visual dominance and overbearing effects of a development;*
- *Harm to outlook”*

The current application has been submitted as the applicant wishes to use the loft room as a third bedroom instead of a study. The amendment does not involve changing the scale, design or internal layout of the property and there would be no changes to the fenestration, which is currently obscure glazed (rear facing window).

During the original assessment there were concerns regarding overlooking from the proposed dormer windows of the second floor loft room, and it was considered that these windows would be unneighbourly without suitable mitigation, therefore amended plans were submitted to show these windows as obscure glazed and a condition was attached to the permission to ensure the windows would remain obscure glazed and fixed shut below 1.7m above floor level.

Condition 17 was attached to application 160180 to ensure that the property would have no more than two bedrooms and that the second floor room (loft), because of the issue with the rear windows, as set out above, should be a study only. One of the reasons for this condition was to create a quality living environment for future residents ensuring they would benefit from an acceptable quality of outlook from bedrooms.

There has been no material change to the situation since application 160180 was granted, and, therefore, it is still considered necessary for the second floor (loft) dormer windows to remain obscure glazed fixed shut below 1.7m above floor level as per condition 5. Therefore, a change of this second floor room (loft) to a bedroom would not be acceptable, as originally determined, as it is not considered that a bedroom, where the sole means of daylight and outlook are obscure glazed, would be acceptable and would be contrary to Policy CC8.

CONCLUSION

The proposal is not considered acceptable within the context of the completed development. The situation has not changed since the previously granted permission on the site and, therefore, it is deemed that the original conditions should remain in place.

RECOMMENDATION

REFUSE

1. The proposal to change the study into a bedroom would result in harm to the living environment of occupiers of the dwelling as the existing obscure glazing, serving the proposed bedroom, would be detrimental to outlook, and in turn, the removal of the obscure glazing would result in a harmful impact on the residential amenity of the neighbouring properties in terms of unacceptable overlooking. The proposal is, therefore, contrary to Policy CC8 of the Reading Borough Local Plan (2019).