

DELEGATED APPLICATION REPORT

SITE ADDRESS: 87 Southampton Street, Reading, RG1 2QU
APPLICATION NUMBER: 221943/EPA
PROPOSAL: Change of use from Class E (offices) to C3 (dwelling houses) to comprise 3 Residential Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015).
TARGET DATE: 16/02/2023

Introduction

The application site comprises 87 Southampton Street, a three-storey detached building set back from the east side of the street, close to the junction with Crown Street (to the north). The surrounding area is a mix of office and residential uses, together with a high-level car parking space immediately to the east.

The site is not a listed building and not located within a conservation area. A number of buildings on the west (opposite) side of Southampton Street at this point are listed.

Proposal

Prior approval is sought under Class MA Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of the ground, first and second floor to 3 self-contained flats.

Information Submitted

The completed application form, including a written summary of the proposed development and the developer's contact details

Drawings/ information submitted:

Application Form

Design and Access Statement

A-1000 Rev A - Site Location Plan & Block Plan

A-1100 Rev A - Existing and Proposed Front and Rear Elevations

A-1110 Rev A - Existing and Proposed Side Elevations

A-1010 Rev A - Existing and Proposed Ground Floor Plan

A-1020 Rev A - Existing and proposed First Floor Plan

A-1030 Rev A - Existing and Proposed Second Floor Plan

A-1035 Rev A - Existing and Proposed Roof Plan

A-1200 Rev A - Existing and Proposed Sections

Received 22/12/22

Policy Context

Legal context

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class MA involves development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Before development can be carried out under Class MA, the developer must submit a Prior Notification to determine if 'Prior Approval' of the Local Planning Authority is required in respect of the following matters:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Class MA requires development to be completed within a period of 3 years starting with the prior approval date. Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

If the Local Planning Authority determine that Prior Approval is required, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that the Local Planning Authority should, when determining an application, have regard to the National Planning Policy Framework (NPPF), 'so far as relevant to the subject matter of the prior approval, as if the application were a planning application' (Paragraph W, para 10b).

Planning History

220204/DDP - Additional storey to provide 1 x 2-bed residential unit above the second floor. Prior Notification under Class AA, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (Amended Description) - Prior Approval Granted

Consultations

RBC Transport - Confirmed a car free development would be acceptable, but questioned how parking would be provided in light of the submitted statement detailing that 3 on-site parking spaces would be provided

RBC Environmental Health - Objection - noise assessment required to ensure future occupiers would not be subject to a harmful level of commercial noise

RBC Business Rates - Had no information confirming that the ground, first and second floors has been vacant for 3 months prior to the submission of the application

Publicity

A site notice was displayed at the application site for the requisite 21 day period. The consultation period was between 6th January 2023 - 27th January 2023.

No comments have been received.

Appraisal

The proposal comprises the change of use of the building from Class E(i) to Class C3 (dwellinghouse) with the proposal to be considered against the criteria and conditions contained within Part 3, of Class MA.1. (1) (a)-(g), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In addition, in order to qualify for assessment under Class MA, all applications submitted under this class from 6th April 2021 must comply with Department for Communities and Local Government's Technical Housing Standards - Nationally Described Space Standards, minimum space standards. As the application was received after the 6th April 2021 there is a requirement to comply with these minimum space standards. It can be confirmed that the proposed units comply with these minimum space standards as illustrated in the accompanying plans.

Criteria MA.1.-(1)

(a) Vacancy qualification- *“unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval; The relevant vacancy period 22/09/2022 - 22/12/2022. No information to demonstrate that the relevant floors have been vacant for the required time have been provided. Furthermore the Council's Business Rates team do not have record of the floors being vacant for this period. Therefore the applicant has failed to demonstrate that the proposal meets this element of the prior approval criteria.*

(b) Previous use qualification - “unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;”

It can be confirmed that the building for which this application relates fell within one or more of the classes specified in subparagraph (2), in this case (ii) former B1(a) (office), now Class E(g)(i) for a continuous period of at least 2 years prior to the date of the application for prior approval.

(c) Floorspace qualification - “if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;”

The floors in question do not exceed 1,500 sqm

(d) Land designation criteria - “If land covered by, or within the curtilage of, the building –

- (i) is or forms part of a site of special scientific interest;**
- (ii) is or forms part of a listed building or land within its curtilage;**
- (iii) is or forms part of a scheduled monument or land within its curtilage;**
- (iv) is or forms part of a safety hazard area; or**
- (v) is or forms part of a military explosives storage area;”**

The site does not form part of a site of special scientific interest, listed building nor land within its curtilage, a Scheduled monument or land within its curtilage, safety hazard area, nor military explosive storage area.

(e) Landscape designation criteria - “if the building is within—

- (i) an area of outstanding natural beauty;**
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site;”**

It can be confirmed the site is not within a landscape designation criteria.

(f) Agricultural tenancy criteria - “If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;”

It can be confirmed the site is not occupied under an agricultural tenancy.

(g) Previous use criteria - “before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and**

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

It can be confirmed that the site has not been subject to development of a description falling with Class of this part immediately before 1st August 2021, nor would such development be prevented under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Conditions

MA.2.—(1) Confirms that development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

the impact on the local provision of the type of services lost.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

and the provisions of paragraph W (prior approval) apply in relation to that application.

Assessment of MA.2.—(1)

(a) Transport impacts of the development, particularly to ensure safe site access

The submitted planning statement details that one parking space will be provided per flat, however this has not been demonstrated on the plans. The Council's Transport team also advise that in accordance with the Council's current standards, the development would also require 1 parking space per unit but highlight that the existing pedestrian access from Southampton

Street would not be appropriate for vehicle access. As such, the proposed layout cannot provide 3 parking spaces on site.

However, Transport Officer have confirmed that given the extensive parking restrictions in operation in the area and the proximity to the town centre and local amenities, a car free development could be considered in this instance.

As the proposed plans do not show parking provision, this is deemed a car free scheme which would be acceptable given as the change of use is not considered to have a material increase or a material change in the character of traffic in the vicinity of the site (as required by paragraph W(5)(a) given the scale of the development, the location and extensive parking restrictions in the area.

(b) Contamination risks in relation to the building

No groundworks are required as part of the change of use. The Environmental Health team did also not raise any concerns over contaminated land. The proposal is deemed acceptable in this respect.

(c) Flooding risks in relation to the building

The site is not located within Flood Zones 2 or 3 and as such the proposals are acceptable in flood risk terms.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

Having consulted the Council's Environmental Protection team it has been identified that plant equipment associated with the adjacent ground floor offices at 'City Gate' no. 95-107 Southampton Street is a potential commercial noise concern. The plant equipment is located at ground floor level on the north flank wall of City Gate close to the windows to the southern flank wall of no. 87. A noise assessment has not been provided with the application and therefore the Local Planning Authority has no contrary to information to suggest the proposal is acceptable in terms of commercial noise. The proposal therefore fails to accord with condition (d).

(e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The site is not located within a conservation area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses

Statutory Instrument 2020:632 introduces the requirement that consideration is given in respect to the provision of adequate natural light in all habitable rooms. As a starting point, where the application relates to prior approval as to adequate natural light, the LPA must refuse prior approval if adequate natural light is not provided in all the habitable

rooms of the dwellinghouses (paragraph W (2A). This is not a matter for the LPA's discretion, as refusal is mandatory in such circumstances. The LPA's discretion under paragraph W(3) to refuse an application where the proposed development does not comply with any of the relevant conditions, limitations or restrictions applicable to the development permitted is removed in respect to the provision of adequate light in the case of Class MA, in view of the absolute requirement to refuse the application where adequate natural light is not provided in such a case.

The above assessment requires examination of the detailed floor plans and any relevant supporting evidence. A judgement must be reached based on the information submitted as to whether appropriate levels of light can be achieved for rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways.

Officers note that there are several ways light levels can be measured, as outlined in the BRE Site Layout Planning For Daylight and Sunlight (2011):

- **Vertical Sky Component (VSC)** - The VSC method calculates the amount of visible sky available to each window or to points on the façade of a building where windows have not yet been designed.
- **No-Sky Line Contour (NSC)** - The NSC method describes the distribution of daylight within rooms by calculating the area of the 'working plane' which can receive a direct view of the sky and hence 'sky light'.
- **Average Daylight Factor (ADF)** - The ADF method calculates the average illuminance within a room as proportion of the illuminance available to an unobstructed point outdoors under a sky of known luminance and luminance distribution.

No light assessment has been submitted detailing the above metrics. As such, Officers can only base the judgement on the submitted floor plans and inspecting the surrounding context.

Habitable room windows to the south elevation of the building are located within 3m of the north flank wall of City Gate which is a five storey building. It is considered that the proximity of this building to the windows is very likely to adversely impact upon receipt of natural light to these habitable rooms. Given that no assessment or information has been submitted to demonstrate that all habitable rooms would be served by adequate natural light, the proposal fails to accord with condition (f).

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The site is not within a core employment area or located in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.

The development does not result in the loss of services provided by a registered nursery, or health centre maintained under the relevant sections.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

A Fire Statement would be required if the development involves the development of an existing 'relevant building'. This new criteria applies to a building which satisfies the height condition in paragraph (3) of the Procedure Order and contains– (a) two or more dwellings; or (b) educational accommodation. Paragraph (3) states the height condition is that– (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys.

Whilst the development contains 4 new dwellings, the height of the building is less than 18m and fewer than 7 storeys.

Conclusion

The development subject of this prior notification fails to meet criteria MA.1(1) (a) (vacancy qualification) and Class MA.2.(2) (f) (provision of adequate natural light) and (d) (Impacts of noise from commercial premises on the intended occupiers of the development) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:

Prior Approval is required and **REFUSED** for the following reasons:

1. The development subject of this prior notification fails to meet criteria Class MA.2.(2) (f) (provision of adequate natural light) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The development subject of this prior notification fails to meet criteria Class MA.2.(2) (d) (Impacts of noise from commercial premises on the intended occupiers of the development) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The applicant has failed to sufficiently demonstrate that the building subject to this Prior Approval application was vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval. The proposal therefore fails to meet criteria MA.1(1) (a) (vacancy qualification of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives:

- 1) Drawings/ Documents considered
- 2) Option to withdraw