

DELEGATED APPLICATION REPORT

SITE ADDRESS:	286 Kings Road, Reading, RG1 4HP
APPLICATION NUMBER:	230042
PROPOSAL:	Change of use from Class E (offices) to C3 (dwelling houses) to comprise 3 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
EXPIRY DECISION DATE:	09/03/2023

Introduction

The application site comprises a four storey building on the corner of Kings Road and Fatherson Road. The surrounding area is a mix of residential and commercial (office / educational) uses.

The proposal site is not a heritage asset or located within a Conservation Area.

The proposal site is also not located within the Article 4 area that remove certain permitted development rights that would result in new dwellings (shown within the extract of Map 25 below - the area to the north is within the Article 4 area). This Article 4 direction came into force on 15th November 2022 and relates to identified areas of the borough where Class E uses are protected from change of use to residential without the need for planning permission.



Proposal

Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 is sought for the change of use from Class E (offices) to C3 (dwelling houses) to comprise 3 flats.

Proposed floor plans have been submitted for this application, which indicate that 1 flat will be provided at each of the first, second and third floors of the building, with the entrance at ground floor level together with a cycle store, bin store, storage area, and two externally located off-street car parking spaces. The first and second floor flats would be 2-bed, 3-person units, with the third floor flat being a 1-bed, 2-person unit based on the floor plans submitted.

Information Submitted

Plans considered:

- PL-100 - Site Location Plan
- 01 - Existing - Floor Plans, Block Plan
- 02 - Proposed - Floor Plans, Block Plan

Other information submitted:

Planning Statement
Completed Application Form

All received on 12/01/2023

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

140594/OPA - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 3 x 1 bed flats. Prior approval granted 02/07/14.

181077 - Insertion of 2 windows at both first and second floor level of the east (side) elevation. Granted 15/08/2018.

181090 - Change of use of existing building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 3 residential 1- bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior approval granted 15/08/18.

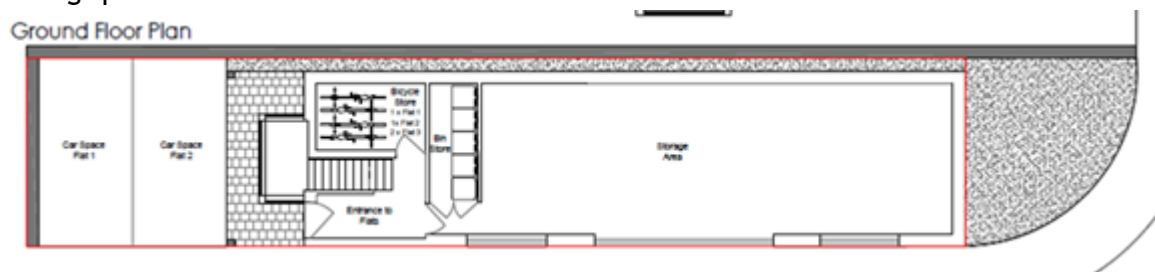
Consultations

Reading Borough Council, Transport - Response received on 31/01/2023

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2 kilometres from the centre of Reading. Kings Road (A329) is a major transport corridor into Reading and is a major bus route with bus stops

located on both sides of the carriageway and dedicated bus lanes allowing for bus priority in both eastbound and westbound directions.

In accordance with the Council's Revised Parking Standards and Design SPD, the development would require 1 parking space per 1 and 2 bedroom unit, equating to 3 parking spaces.



The application makes reference to undercroft parking, however the layout above illustrates 2 parking spaces at the front of the building (referred to as ad hoc parking in the submitted documents) which falls below the Council's current standards. Google images appear to show this area is served via an existing dropped crossing. Clarification is required regarding the undercroft parking as this has not been illustrated on plans*.

** Case officer comment: Based on the unaccompanied officer site visit on 06/03/2023 the 'storage area' was presently used for the parking of vehicles and storage of miscellaneous office furniture (e.g. office chairs). It is considered that off-street parking could be provided within the area marked as 'storage area', either instead of the spaces marked, or in addition to.*

If this application is approved there should be an assumption that any future occupants of the proposed units will not be issued with resident or visitor 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.

In accordance with the Borough's Parking Standards and Design SPD, a minimum provision 0.5 cycle storage spaces should be provided per flat, however under GPD we would not comment on this, however it is noted that cycle storage is being provided.

The applicant should ensure that the refuse storage provisions comply with the Council's Waste Management Guidance which is available to view online. Bins must not be stored on any part of the public footway.

In principle Transport do not have any objections to this application, however more information is required regarding the undercroft parking.

Reading Borough Council, Environmental Protection - Response received on 23/01/2023

- No comment to make on this application

Publicity

A site notice was produced to be sent to the applicant on 18/01/2023. Based on the unaccompanied external site visit on 06/03/2023 it did not appear that a site notice was being displayed at this time. It is unclear whether a site notice was erected or not as part of this application.

No responses have been received to the application.

Appraisal

The proposal comprises the change of use from Class E (offices) to C3 (dwelling houses) to comprise 3 flats. The proposal is 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).

Criteria MA.1.-(1) Development is not permitted by Class MA-

(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 submission by the applicant states, on the application form, that 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 ‘yes’ option has been ticked within the eligibility section of the application form.

Has the building been vacant for a continuous period of at least 3 months immediately prior to the date of this application?

☒ Yes

☐ No

However, within the Planning Statement by the applicant the following is stated:

Application Site: The application property comprises a four-storey office building (Use Class B1) currently occupied by ITS Reading Ltd (a trading company of the applicant). The building comprises under-croft

In the context of contradictory information being included within the application submission (and in terms of the wider assessment of the application as a whole) a site visit was requested to assist in the assessment as to whether the building was vacant in the 3 months prior to the application. Various attempts were made to arrange an accompanied site visit, with correspondence with the agent for the applicant summarised below:

- Email to agent by case officer on 27/01/2023 requesting a site visit on either 30/01/2023 or 31/01/2023.
- Reply from agent on 27/01/2023 stating “I will need to speak to the client to see if this will be possible. I will let you know in due course”.
- Email to agent by case officer on 30/01/2023, to seek an update as to whether a visit on 31/01/2023 would be possible in the context of the correspondence on 27/01/2023.
- Telephone call from case officer to agent on 31/01/2023 seeking an update, whereby the agent advised that an update would be provided once the client (applicant) responds.
- Email to agent by case officer on 02/02/2023 seeking times/dates for a site visit during week beginning 06/02/2023, in light of no further reply being received.
- Email to agent by case officer on 07/02/2023 seeking an update following no response to the email from 02/02/2023.
- Telephone call from case officer to agent on 09/02/2023 - voicemail message left for the agent to advise the case officer of suitable times/dates for the site visit.
- Email to agent by case officer on 20/02/2023 seeking availability for a site visit during week beginning 20/02/2023, in light of no response being received.
- Email to agent by case officer on 23/02/2023 seeking availability for a site visit in the next week, in light of no response being received. At this juncture the agent was also advised the following:

Should I receive no reply nor be able to undertake a site visit within the next week (before 2nd March) I will then be minded to determine the application accordingly. In such a scenario I will be minded to recommend that prior approval is required and is not given, on the basis of a failure to demonstrate that all of the conditions within part MA.2. (2) of Class MA (Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would be met, on the basis of a site visit within the building not being able to be undertaken despite my best efforts to arrange this. I would prefer not to follow that course of action, but will have little option if a site visit cannot be arranged.

- Telephone call from case officer to agent on 28/02/2023 - voicemail message left for the agent to advise the case officer of suitable times/dates for the site visit, or prior approval would not be able to be given, as per email from 23/02/2023.
- Email from case officer to agent on 28/02/2023, advising:
I would welcome your reply to the various attempts I have made to set up a site visit? If I do not hear back from you either today or tomorrow I will proceed to recommend to determine the application, as per my email below from 23rd February.
- No response was received from the agent.

On the basis of the above an accompanied site visit to the inside of the building was not possible, owing to a lack of response from the agent (despite the various attempts summarised above). Based on the unaccompanied officer site visit to the outside of the site on 06/03/2023 it appeared to indicate that the offices were occupied on this day at least partly at both first and second floor level, with: people visible within the building; lights on and files/office related boxes etc being visible; signage internally and externally in relation to ITS Reading; cars being parked on-site (both to the front and within the undercroft); cars parked opposite the site with ITS Reading branding; people outside the front door to the building (appearing to be staff on a break).



Above: Unaccompanied site visit photographs 06/03/2023

Whilst the unaccompanied officer site visit on 06/03/2023 does not provide an evidence base to demonstrate that the building has or has not been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval, in the context of the statements within the application submission and ITS Reading previous occupancy at the time of the 2018 applications (see relevant history section above), it is nevertheless noted.

Although a site visit to the inside of the building would not have definitively ascertained whether the building was vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval (as is required), it would have provided a clearer indication as to the current status, which is unclear based on the conflicting information included within the submission documentation and what appeared to be the case during the unaccompanied site visit.

Based on the officer site visit at the time of previous applications 181077 and 181090 at the site (see relevant history above) on 31/07/2018, the building was in active Class B1(a) office use at the time of the officer site visit on 31/07/18 by ITS Reading.

However, it is unclear what the status/occupancy of the building was in the 3 months prior to the application, based on the contradictory information submitted with this application.

On the basis of the above it has been failed to be demonstrated that 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.

(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;*”

The submission by the applicant states, on the application form, the use of the building, for a continuous period of at least 2 years immediately prior to the date of this application, been any of the following:

- For periods prior to 1 September 2020
 - Shops (Use Class A1);
 - Financial and professional services (Use Class A2);
 - Food and drink (Use Class A3)
 - Business (Use Class B1);
 - Medical or health services
 - Non-residential institutions (Use Class D1(a));
 - Crèche, day nursery or day centre
 - Non-residential institutions (Use Class D1(b));
 - Indoor and outdoor sports
 - Assembly and leisure (Use Class D2(e)), other than an indoor swimming pool or skating rink;
- For periods from 1 September 2020
 - Commercial, Business and Service (Use Class E)

The ‘yes’ option has been ticked within the eligibility section of the application form.

The planning statement submitted with the application does not explicitly respond to this matter (predominantly as it erroneously references that the prior approval should be considered under Class O, rather than Class MA as the application form specifies). The only partly relevant information is as follows:

Application Site: The application property comprises a four-storey office building (Use Class B1) currently occupied by ITS Reading Ltd (a trading company of the applicant). The building comprises under-croft parking on the ground floor with office accommodation on the upper floors. The site has a lawful use as offices (B1a).

On the basis of the information submitted, there is considered to be some ambiguity regarding the previous occupancy of the building, with the supporting statement not offering any explicitly clear information. If a site visit had been able to have been undertaken then this matter could have been raised and responded to. However, the lack of input from the agent has resulted in a decision being required to be made by the local planning authority prior to the expiry of the prior approval time period

deadline. In such circumstances, it is considered that the applicant has failed to demonstrate that this condition has been met.

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

It can be confirmed that the floor area does not exceed 1500m², based on the unaccompanied officer site visit on 06/03/2023 it is clear that the floorspace would not total anywhere near 1500m².

(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;”*

The building is not within any such area.

(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.

Whilst the proposed development meets (i) by virtue of the previous applications at the site (see relevant history above), criteria (ii) is not met, as those circumstances do not apply in this instance.

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 the various standards detailed within the legal context section above. Each is considered below:

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

The Council's Transport Team (see comments above) raised no objection in principle, but required more information regarding the undercroft parking. Based on the unaccompanied officer site visit on 06/03/2023 it is considered that suitable off-street parking is possible from the undercroft, meaning had the application been supported, this could have been secured via condition. In the circumstances, this therefore does not form a reason for refusal and the proposals are considered appropriate in this regard.

Paragraph W(13) of the GDPO provides that 'The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval'. Conditions relating to restricting on-street car park permits, cycle and waste storage would have been recommended in the event of approval being given.

(b) Contamination risks in relation to the building

No groundworks are required as part of the change of use. This is confirmed in the supporting statement submitted by the agent. As such the proposal is considered to be acceptable in terms of contamination risks to the building. The Environmental Protection team has no comments on this application (see above).

(c) Flooding risks in relation to the building

The site is not located within Flood Zones 2 or 3 (it is within Flood Zone 1, as also stated within the planning statement submitted in support of the application) 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

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. The surrounding area does not contain commercial uses of the scale/nature/vicinity that would generate potentially harmful levels of noise to warrant resisting the proposals on this basis.

(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;

Not applicable as the proposal site is not within a Conservation Area.

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

On the application form the applicant states the following:

Please provide details on the provision of adequate natural light in all habitable rooms of the dwellinghouses

All rooms have windows or velux windows at eye level, which has natural light and adequate outlook

Part of the reason for the proposed site visit was to see inside the building, to help ascertain whether the proposals would provide adequate natural light to the proposed habitable rooms. On site access was particularly required in the context of the two previous prior approvals at the site (in 2014 and 2018) not being subject to this condition / consideration (introduced subsequently), meaning this matter was not considered at the time of the previous prior approval applications. Furthermore, the surrounding context has changed since the previous officer visit in 2018, with the neighbouring site immediately to the east having been subject to a number of applications and works.

The floor plans submitted indicate that single (west facing) windows appear to be proposed within the proposed habitable rooms at first and second floor level. At third floor level no conventional windows appear to be proposed, with the bedroom appearing to be served by solely three rooflights and the combined (based on the plan submitted) living/dining/kitchen room being served by 4 rooflights.

Given an officer site visit has not been able to be arranged, despite the various attempts for this to be undertaken (see above for details of attempts for this to be facilitated), a full officer assessment as to whether adequate natural light in all habitable rooms of the dwellinghouses cannot be made within these circumstances.

In particular, it has been unable to definitively verify whether all of the windows have clear glazing, or whether they are obscured in any way (this could not be definitively verified on the basis of the unaccompanied officer site visit on

06/03/2023 owing to the visit only being at ground level - it appeared that some glazing at first floor level did not appear entirely clear - see photo below, but the exact position was not able to be confirmed). Another shortfall is it being unclear whether the rooflights would adequately serve the third floor habitable rooms (given the location of the rooflights and the internal layout, with it being possible that significant sections of the bedroom and living/dining/kitchen room would potentially not be adequately served owing to the position of the rooflights in relation to the internal layout). This would have been able to be assessed through an officer site visit.



First floor window - unclear whether the glazing is clear or partly obscured

It is also noted that no elevation or section plans have been submitted with the application, which is a shortfall of the submission as this would clearly specify the height of the windows and the floor to ceiling heights of the floors of the building (in particular the third floor where no conventional windows appear to be proposed), which would have assisted the officer assessment.

On the basis of the above there has consequently been a failure to demonstrate on the part of the applicant in this regard. This is through a combination of the submission of insufficient information with the application and in the absence of access being provided to enable an officer site visit and site assessment. As such, it has been failed to demonstrate that all habitable rooms of the dwellinghouses will be provided with adequate natural light.

As part of a separate but related point, it appears from the unaccompanied site visit that the existing/proposed floorplans submitted are not accurate. The site visit appeared to show a window on the east elevation of the building at first floor level (possibly implemented as part of permission 181077 - see relevant history above - but this is not shown on either the existing or proposed floor plans submitted. Furthermore, three openings within the east side elevation at ground floor level were seen on site on 06/03/2023, but again are not specified on the existing or proposed floor plans. An informative will be included on the decision notice in these respects.



Photographs from unaccompanied officer site visit on 06/03/2023 appearing to show a window in the east side elevation at first floor level (left) and openings on the east elevation at ground floor level (right).

(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 designated 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 application form specifies this is 'not applicable'. The planning statement does not reference this consideration.

Whilst this has not specifically been referenced within the planning statement, it is considered reasonable to conclude (following the previous officer site visit on 31/07/2018) and on-line searches for the address, together with the information on the application form, that 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 criterion applies to a building which satisfies the height condition in paragraph (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and contains— (a) two or more

dwelling; 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.

Although no elevation plans have been submitted with the application to definitively verify that the building is under 18m in height, on the basis of the officer unaccompanied site visit and the building being 4 storeys (with the upper most storey being within the roofscape) it is considered that the development does not meet the fire risk condition.

Other matters

In addition to the specific requirements of Class MA, 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. This was inserted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243),

Permitted development

3. ...

9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

*(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.*

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

As the application was received after the 6th April 2021 there is a requirement to comply with these minimum space standards.

Based solely the floor plans provided it is not clear to the satisfaction of officers whether the proposals adhere to all of the nationally described space standard, specifically:

- Given the third floor is located within the roofslope (served solely by rooflights) and no elevation or section plans have been provided, it is unclear whether standards 10f, g and i are met for Flat 3:
 - o f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area)
 - o g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
 - o i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area
- No specified storage within Flat 3 is denoted on the plans - although it could be that what appears to be a built-in wardrobe (no annotation on plan)

amounts to a storage space (as per 10h) this is not clear based on the submission.

Given no site visit has been possible (despite various attempts - see above), no officer assessment of these specific elements of the proposal has been possible, nor have the floorplans generally been able to be verified to confirm the various dimensions associated with the bedroom and overall flat sizes stated are accurate. Furthermore, the floorplans alone do not provide an information in relation to standard 10i (minimum floor to ceiling height), so this hasn't been evidenced in relation to any unit.

As such, the applicant has failed to demonstrate that the proposed flats comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015, as per Section 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015, as inserted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243).

Conclusion

The development subject of this prior notification is not considered to meet the relevant criteria of Class MA of the GPDO, or comply with the nationally described space standard for the reasons stated above.

Recommendation:

Prior Approval is required and NOT GIVEN.

Reasons for refusal:

1. The application has failed to demonstrate, on the basis of contradictory information specified on the Completed Application Form and within the Planning Statement, both received on 12/01/2023, that 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, contrary to the requirement of paragraph MA.1.-(1)(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The application has failed to demonstrate, in the absence of sufficiently clear information within the submission, whether the use of the building fell within one or more of the specified classes for a continuous period of at least 2 years prior to the date of the application for prior approval, contrary to the requirement of paragraph MA.1.-(1)(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3. The application has failed to demonstrate, in the absence of the submission of elevation and section plans or an officer site visit being arranged to be undertaken, that the proposed flats would provide adequate natural light

in all habitable rooms of the dwellinghouses, contrary to the requirement of paragraph MA.2.-(1)(f) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. The application has failed to demonstrate, in the absence of the submission of elevation and section plans or an officer site visit being arranged to be undertaken, that the proposed flats comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015, contrary to Section 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015, as inserted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243).

Informatives:

1. The Local Planning Authority has worked positively and proactively with the agent of the applicant to seek to assess this prior approval application with the benefit of an officer site visit. However, that has not been possible within the required timescale for the determination of the application and therefore the decision to refuse the application has been taken.
2. In respect of reasons for refusal 3 and 4, the following specifies the various attempts made to undertake an accompanied officer site visit to the interior of the existing building:

- Email to agent by case officer on 27/01/2023 requesting a site visit on either 30/01/2023 or 31/01/2023.
- Reply from agent on 27/01/2023 advising the need to speak to the client and providing an update thereafter.
- Email to agent by case officer on 30/01/2023, to seek an update as to whether a visit on 31/01/2023 would be possible in the context of the correspondence on 27/01/2023.
- Telephone call from case officer to agent on 31/01/2023 seeking an update, whereby the agent advised that an update would be provided once the client (applicant) responds.
- On the basis of no reply, email to agent by case officer on 02/02/2023 seeking times/dates for a site visit during week beginning 06/02/2023.
- Email to agent by case officer on 07/02/2023 seeking an update following no response to the email from 02/02/2023.
- No response received, so telephone call from case officer to agent on 09/02/2023, with voicemail message left for the agent to advise the case officer of suitable times/dates for the site visit.
- No response received, so email to agent by case officer on 20/02/2023 seeking availability for a site visit during week beginning 20/02/2023.
- Email to agent by case officer on 23/02/2023 seeking availability for a site visit in the next week, in light of no response being received. At this juncture the agent was also advised that the application would not be able to be supported on the basis of a failure to demonstrate that all of the conditions within part MA.2. (2) of Class MA (Schedule 2, Part 3 of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) would be met, owing to a site visit within the building not being able to be undertaken.

- On the basis of no reply being received, telephone call from case officer to agent on 28/02/2023 - voicemail message left for the agent to advise the case officer of suitable times/dates for the site visit, or prior approval would not be able to be given, as per email from 23/02/2023.

- Email from case officer to agent on 28/02/2023 advising that if no response was received on 28/02/2023 or 01/03/2023 then the application would be recommended to determined, as per the email sent on 23/02/2023. No response was received from the agent. No contact details for the applicant were provided on the application form.

3. In reaching this decision the Local Planning Authority has taken into account the following information submitted with the application:

- PL-100 - Site Location Plan
- 01 - Existing - Floor Plans, Block Plan
- 02 - Proposed - Floor Plans, Block Plan
- Planning Statement
- Completed Application Form

All received on 12/01/2023

4. Based on an unaccompanied officer site visit on 06/03/2023 it would appear that there are the following inaccuracies on plan '01 - Existing - Floor Plans, Block Plan':

- Omission of three openings on the east (side) elevation at ground floor level
- Omission of a window on the east (side) elevation at first floor level