

**C·A·R·R·I·N·G·T·O·N
S·T·E·V·E·N·S**
DESIGN CONSULTANTS

PRIOR NOTIFICATION REQUIREMENT

FOR

**CHANGE OF USE OF THE FIRST AND SECOND FLOORS FROM CLASS E TO CLASS
C3 USE TO PROVIDE 4NO. RESIDENTIAL FLATS**

**ORBIT HOUSE
64-65 ST. MARY'S BUTTS
READING,
BERKSHIRE
RG1 2LG**

JOB NO: 10223



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1.0 **Introduction**

We write on behalf of our Client Warrant Investments Plc, the freehold owners of the above property.

On the 21st April 2021, The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 came into force and inserted in Part 3 of Schedule 2, Class MA to the Town and Country Planning Act 1990.

Class MA states that *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* constitutes permitted development.

This application seeks formal confirmation from the council that the Change of Use of the application site from Retail (Class E) to residential (C3) constitutes permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 2015.

In accordance with the legislation this application is accompanied by:

- (a) a written description of the proposed development; and
- (b) the developer's contact address; and
- (c) a plan indicating the site and showing the proposed development; and
- (d) This statement setting out how the change of use complies with the legislation in terms of transport and highways, flooding and contamination.

2.0 Relevant known planning history

The Relevant known planning history is as follows:-

- Planning Application No. 201390 - Subdivision of the ground floor to provide 2 Sui Generis (takeaway) units and alterations to shop front.
- Planning Application No.130327 – 1 fascia sign, 1 projecting sign, menu unit and window vinyls. Application permitted.
- Planning Application No.980410 – Alterations to shopfront to include new glazed, sliding windows, new disabled access door. Illumination to upper floors, planter boxes and baskets. Application permitted.
- Planning Application No.980231 – Single storey rear extension and existing flat roof height to be raised and new skylight provided. Application permitted.
- Planning Application No.980411 – Three neon fascia signs and one neon projecting sign. Application permitted.
- Planning Application No.960270 – Change of use A3 (food and drink). Application permitted.
- Planning Application No.950053 – Partially illuminated fascia and projecting sign. Application permitted.
- Planning Application No.910478 – Fascia sign and projecting sign. Application withdrawn.

3.0 Site location and History

The property comprises a traditionally built mid-terraced building constructed of stone and yellow stock brick under a double pitched slate roof with a single storey rear extension featuring a flat roof. The building is arranged over basement, ground, first and second floors.

Planning Permission was granted on the 8th March 2021 for the subdivision of the ground floor to provide 2No. Class E / Sui Generis (takeaway) units (64 St Mary's Butts and 65 St Mary's Butts) together with alterations to the shop front and separation of the upper floors from the ground floor units. Works to affect the Planning Permission were completed on the 10th February 2022.

64 St Mary's Butts was let to a restaurateur on the 15th October 2021. 65 St Mary's Butts is currently vacant to let.

The separated upper floors are currently vacant and has been so since the former restaurateur, Azzurri Restaurants Limited (T/A ASK Italian) vacated on the 17th July 2020. The former restaurateur occupied the ground, first and second floors by way of a lease granted on the 16th April 1998, following the grant of Planning Permission 960270 for the Change of use to Class A3 (food and drink) which is now Class E in accordance with Use Classes Order 1987 (as amended by The Use Class Order 2020).

The property is situated on the North East side of St. Mary's Butts and is immediately opposite Broad Street Mall.

Externally, fronting St. Mary's Butts there is a glazed shop front to each of the ground floor units consisting of two sets of aluminium powder coated sliding windows with stall riser and a stone surround.

In the centre of the façade are timber painted double entrance doors, which accesses the staircase leading to the first and second floors. There are large arched timber sash windows on the first and second floors which feature a stone surround.

The area is characterised by a mix of Class E and Sui Generis uses including Caffè Nero, Subway, and Bill's Restaurant.



(Bing maps)

4.0 Developers Contact Details

Warrant Investments Plc of One Wellstones Watford Hertfordshire WD17 2AE

5.0 Plans

This statement should be read in conjunction with the following planning drawings submitted with this application: -

1:1250 Location Plan
20523-01PL Existing Block Plan
20523-02PL Existing Ground & Basement Floor Plans
20523-03PL Existing First & Second Floor Plans
20523-04PL Existing Elevations
20523-05PL Demolition First & Second Floor Plans
20523-06PL Demolition Elevations
20523-07PL Proposed Ground Floor Plan
20523-08PL Proposed First and Second Floor Plans
20523-09PL Proposed Elevations
20523-10PL Proposed Block Plan

6.0 The Proposed Development

The proposed development comprises the change of use of the existing first and second floors from Commercial (E) to Residential (C3).

The existing first and second floors comprise 283m² (GIA) of Class E Use (formerly Class A3 Ancillary) with its own dedicated entrance.

The proposed change of use will comprise of 2No. 1-bedroom (2 Person) Flats and 2No. 2-bedroom (3 Person) self-contained residential units.

The building is of substantial construction and being in the town centre of Reading, on St Mary's Butts is in a sustainable location in close proximity to the town's railway and bus stations as well as numerous shops and other facilities. The upper floors benefit from acoustic sash windows and are therefore considered to be well suited to conversion to residential use and will provide much needed high-quality housing which is of significant benefit.

Very few internal alterations are required to affect the proposed Change of Use.

The proposed dwellings each comply with the Technical housing standards – nationally described space standard.

A proposed bin and bike store are proposed to the rear of the independent ground floor entrance which accesses the upper floors.

7.0 **Compliance with Legislation**

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 sets out a number of criteria to test whether a commercial building benefits from the Permitted Development Rights for the Change of Use from Class E (commercial, business and service) to Class C3 (dwellinghouses). A summary of this criteria is listed together with our corresponding analysis as follows: -

MA.1. –

(1) Development is not permitted by Class MA—

- (a) 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 upper floors have been vacant since the 17th July 2020 and therefore, in excess of 3 months.

- (b) 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;*

Prior to the 1st September 2020, the upper floors were in continuous use by the former restaurant within Class A3 (food and drink) as permitted by Planning Permission No. 960270 and therefore, was used for a period of in excess of 2 years in accordance with the classes specified in paragraph (2).

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

The cumulative floor space of the existing upper floors total 283m² (GIA) and therefore, is below the maximum permissible floor space to affect the Change of Use under Permitted Development.

- (d) 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;*

Not Applicable as the building does not fall within the curtilage of the above listed items.

- (e) 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(1);*
- (iv) the Broads;*
- (iv) a National Park; or*

(v) *a World Heritage Site;*

Not Applicable as the building is not within the above listed areas.

(f) *if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*

Not Applicable as the upper floors (or any part of the building) is not occupied under an agricultural tenancy.

(g) *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.*

There is no Article 4(1) direction preventing Class O development before 1st August 2021.

(2) *The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—*

(a) *the following classes of the Schedule as it had effect before 1st September 2020—*

(i) *Class A1 (shops);*

(ii) *Class A2 (financial and professional services);*

(iii) *Class A3 (food and drink);*

(iv) *Class B1 (business);*

(v) *Class D1(a) (non-residential institutions – medical or health services);*

(vi) *Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*

(vii) *Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*

(b) *on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

The upper floors of the building (First and Second Floors) have a Class E Use. Prior to 1st September 2020, the upper floors of the building had a Class A3 Use.

Conditions

MA.2. -

(1) *Development under Class MA is permitted subject to the following conditions.*

(2) *Before beginning development under Class MA, 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;*

The proposed dwellings have no allocated parking.

The National Planning Policy Framework published in March 2012 promotes sustainable development and sustainable transport. Paragraph 39 states that: If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles

As the dwellings are located within the town centre of Reading immediately opposite a bus stop and within a 9-minute walk from the Reading train station, it is reasonable to suggest that the occupants would not have a car and rely on public transport; which is well provided for within the immediate area.

A bike store is proposed to be located to the rear of the ground floor residential entrance hall, which will accommodate 4No. bicycles.

(b) *contamination risks in relation to the building;*

The previous use of the building does not indicate that there should be any contamination. Further, the proposed works to convert to residential dwellings will not include excavation works and does not require any external and/or structural works to be undertaken.

(c) *flooding risks in relation to the building;*

The property is listed within Flood Zone 1, an area with a low probability of flooding and as such, the proposals are acceptable in flood risk terms

Moreover, as the upper floors are a minimum of 3.6m above the ground floor level, it is considered even lower probability of any flood risk to the dwellinghouses proposed.

We enclose a copy of the Environment Agency Flood map for subject property in Appendix 1.

(d) *impacts of noise from commercial premises on the intended occupiers of the development;*

We enclose a copy of the Acoustic Report from LCP Acoustics (Acoustic Consultants) in Appendix 2, who undertook the following: -

- i). an existing unattended ambient noise survey between Thursday and Monday in three noise sensitive rooms (living room and bedroom); and

The Report concludes that all tests undertaken in all locations **passed** in accordance with BS 8233:2014 and World Health Organisation (WHO) Guidelines for Community Noise (1999).

We also enclose a copy of the Sound Insulation Test Report from AtSpace Limited in Appendix 3, who undertook the following: -

- i). Airborne sound insulation testing between floors and between flats
- ii) Impact sound insulation testing between floors and between flats

The Report concludes that all tests undertaken in all locations **passed** in accordance with BS EN ISO 140-4:1998 and BS EN ISO 140-7:1998 and Approved Doc E of the Building Regulations.

(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 building is not located within a Conservation Area.

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

The living rooms / kitchens of each dwellinghouse proposed benefits from large arched windows to the front elevation, providing generous natural lighting.

The bedrooms of each dwellinghouse are each served by a window providing natural lighting.

It is considered that the natural lighting for each dwellinghouse proposed is generous and considered as more than adequate.

(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*

The property and immediate area is not considered as important for heavier industrial 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(2), the impact on the local provision of the type of services lost.*

The proposed development does not involve the loss of services provided by a registered nursery or health centre maintained under section 2 or 3 of the National Health Service Act 2006(2).

- (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'.

A Relevant Building is defined in Article 9A of The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 and relates to all planning applications submitted on or after 1 August 2021.

As such, all planning applications submitted on or after 1 August 2021 are required to provide a Fire Risk Assessment, where the application: -

- a). contains two or more dwellings or educational accommodation and
- b). meet the height condition of 18m or more in height, or 7 or more storeys

Whilst the proposed development is for 4No. dwellings, the building is below 18m in height and less than 7 storeys. Accordingly, a fire risk assessment is not required and therefore not applicable.

- (3) *An application for prior approval for development under Class MA may not be made before 1 August 2021.*

Not applicable – date passed.

- (4) *The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.*

No parking is proposed, so there is no site access safety issue.

- (5) *Development must be completed within a period of 3 years starting with the prior approval date.*

It is understood that this will be a condition of any consent.

- (6) *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 implemented, it is understood that the use class of the first and second floors of the building will convert to Class C3 Dwellinghouses.

It is noted that the proposed dwellings each comply with the Technical housing standards – nationally described space standard.

8.0 **Precedent**

It is noted that Prior Approval was granted for the Change of Use of the Second floor of the adjoining property at 60 St Mary's Butts from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 1No. two bedroom and 1No. one-bedroom flats on the 10th September 2013.

Whilst the Planning Regulations have since changed, the precedent for residential dwellinghouses on the upper floors of buildings within the locality of the subject premises on St Mary's Butts is noted.

9.0 Conclusion

This statement illustrates that the application for Class MA change of use complies with the legislation set out in Town and Country Planning (General Permitted Development) Order 2021 Schedule 2, Part 3. On this basis, we respectfully request Reading Borough Council should grant consent to the Prior Notification and the proposed Change of Use.