

DELEGATED APPLICATION REPORT

SITE ADDRESS:	Alexander House 205-207 Kings Road Reading RG1 4LS
APPLICATION NUMBER:	230400/EPA
PROPOSAL:	Change of use from Class E (offices) to C3 (dwelling houses) to comprise 22 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
CASE OFFICER:	Nathalie Weekes
TARGET DATE:	18/05/2023

Introduction

The application site comprises an existing two-storey office building located on the junction of Kings Road and Rupert Street to the east of Reading town centre. The building, which was vacant at the time of this application, was built in the early 1990s as part of a wider development which also included the residential units of Saxon Court to the north on the junction of Rupert Street and Norwood Road. The building is 'L' shaped, fronting onto both Kings Road and Rupert Street, with vehicular access from the latter to a basement car park.

Proposal

Prior approval is sought under Change of use from Class E (offices) to C3 (dwelling houses) to comprise 22 Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The proposal would involve internal alterations to the existing building to accommodate 22 residential units within the ground and first floor levels. No external, physical alterations are proposed.

The proposal consists of 22 units, identified as numbers 1 to 22, measuring between 39 sqm and 63 sqm, comprising 19 x1 bed flats and 3 x2 bed flats.

Prior Approval application 210536 was granted on 25/06/2021 for the change of use of the ground and first floor of Alexander House to create 22 residential units. Under this previous prior approval application, revised plans were received removing units currently identified in proposed ground and first floor plan 2023-258-007 as unit 23 on the ground floor and unit 24 on the first floor from consideration as they did not benefit from adequate natural light. These spaces were instead converting into non-habitable storage areas. Subsequent planning applications 210885/FUL and 210902/FUL granted external elevation and roof works.

Permission was granted for flat 23 on the ground floor and flat 24 on the first floor as identified in proposed ground and first floor plan 2023-258-007, under planning application 210906 at appeal, ref. APP/E0345/W/22/3291549.

The current application seeks to gain permission for the layout as approved under application 210536 for a residential unit 1 to 22, which does not now propose to contain storage areas.

The building is currently vacant, has been stripped back to internal walls and office equipment removed, however the previous Prior Approval permissions have not been implemented.

Information Submitted

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

Application covering Letter, Savills, 22 March 2023

CIL

Fire Statement Report prepared by Accendo Fire Safety Services, Rev 0, 22 March 2023.

Area Schedule

Existing Location Plan (Drawing Ref no. 2023-258-001)

Existing Site Plan (Drawing Ref no. 2023-258-002)

Existing Basement and Ground Floor Plan (Drawing Ref no. 2023-258-003)

Existing First and Roof Floor Plan (Drawing Ref no. 2023-258-004)

Existing Elevation A and B (Drawing Ref no. 2023-253-005)

Existing Elevation A and B (Drawing Ref no. 2023-258-006)

Permitted Development Ground and First Floor Plan (Drawing Ref no. 2023-258-007)

As received on 23 March 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 Actthe 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, Part 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, 'so far as relevant to the subject matter of the prior approval, as if the application were a planning application' (Class W, para 10b).

The National Planning Policy Framework requires development to be in accordance with the Development Plan unless material considerations determine otherwise. In this regard, the adopted development plan comprises the Reading Local Plan 2019.

Planning History (Relevant)

87/TP/1249 - Erection of office block with associated car parking and 7 dwellings with associated car parking. Refused outline permission on 15/01/1988. **Allowed on appeal** 10/11/1989.

89-01366-REM (891332) - Construction of office building together with associated car park and 7 no. dwellings with associated car parking. Reserved Matters **Approved** 28/03/1990.

90-00531-FUL (901103) - Erection of two storey office block with semi-basement car park for 50 cars and two storey block of 7 flats with associated parking. **Granted** 23/08/1990.

162057/FUL - Erection of basement and 4 - 7 storey building comprising 56 (30x1, 18x2 & 8x3-bed) residential units (Class C3) with associated parking and landscaping, following demolition of existing basement and 2 storey office building (Class B1a). **Granted** 17/05/2017

190160/FUL - Demolition of existing office building and construction of new 182 bed student accommodation development, over 7 storeys of accommodation plus lower ground floor, together with ancillary landscaping, parking. **Refused** (Dismissed at Appeal 19/11/2020)

210536/OPA Change of use from office use Class B1(a) to use Class C3 to comprise 22 residential units. Prior Notification under Class 0, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 **Granted** 25/06/2021

210885/FUL - Roof alterations and external elevation works. **Granted 24/08/2021**

210902/FUL - Construction of new residential floor above existing roof level to create new residential use Class C3 to comprise 8 residential units. **Granted 10/11/2022.**

210906/OPA - Change of use from office use Class B1a to residential use Class C3 to create 13 new residential dwellings. These are created 11 within the roofspace of the building and a further 2 units on Ground and 1st Floor. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. (Refused) **Allowed at Appeal APP/E0345/W/22/3291549 22/11/2022.**

230656/APC Application for approval of details reserved by condition 4 (Construction Environmental Management Plan and Construction Phase Plan) of Application 210902 **PENDING**

Consultations

RBC Transport – No objection subject to informatives.

RBC Environmental Health – No objections.

Thames Water – No comments received at the time of writing the report.

Royal Berkshire Fire and Rescue Service – No objections, subject to the incorporation of the basic principles of means of escape being incorporated in case of fire:

Fire service access should comply with B5 of ADB Volume 1 2019 with additional local requirements below under the Berkshire Act 1986:

Fire service vehicles currently operated by Royal Berkshire Fire & Rescue Service exceed the requirements stated in the current edition of Approved Document B.

The applicant should be made aware of the following amendments:-

The minimum carrying capacity for a pumping appliance is 16 tonnes.

The minimum carrying capacity for a high reach appliance is 26 tonnes.

Structures such as bridges should have the full vehicle carrying capacity.

Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirement. These matters are administered by the local authority Building Control or approved inspectors, who you are advised to contact in this regard.

Please be advised that any comments made by the Fire Authority in this letter must not be taken as formal approval that your plan/s confirm to the requirements and recommendations of current Guides or Codes of Practice for means of escape in case of fire.

Publicity

A site notice was displayed at the application site for the requisite 21 day period.

Appraisal

The proposal comprises the change of use of the building from Class E 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. **In 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 application letter states that the building has been vacant since 15 December 2022. The building is currently occupied by building guardians to ensure the protection of the building. The Council does not have any further information to contradict the assertion that the building was vacant. Business rates have been paid to 01.04.2022 for an ‘art displaying office space’. It has been established under previous planning applications 210536 and 210906 that the building has been vacant since April 2021.

(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 building has been vacant for the last couple of years. The building had previously been in use as offices prior to 2013 and was still partly occupied in 2016 as confirmed in the committee report for planning application 162057. 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 (b) Class E 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 existing building floor space does not exceed 1500 square metres, there is 1383 sqm of cumulative existing floorspace.

(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 within Class O 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. Consent was granted for 210536/OPA on 25/06/2021 under Class O but has not yet been implemented.

(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 building has been in office use, currently unoccupied but with the use retained, falling within use Class E.

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, and
- (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 Council's Transport Team raised no objection to prior approval being 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.

The Council's Transport Team have considered the proposal in detail. In accordance with the Council's Revised Parking Standards and Design SPD, should a planning application have been submitted, the development would be required to provide 1 parking space per 1 and 2 bedroom unit, in addition to this visitor parking should also be provided at a ratio of 1 space per 10 units, therefore the total provision for this site would be 24 parking spaces. Submitted Planning Statement confirms that the existing building has 47 parking spaces to the rear of the building, accessed via Rupert Street are to be retained, this therefore exceeds the current requirement and is deemed acceptable.

Any future occupants of the proposed dwellings should not assume that they will be issued with resident or visitor parking permits, 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.

(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

The site is surrounded by residential uses on three sides and public highway on the other. The Council's Environmental Health Team have reviewed the submission and conclude that the site is unlikely to be affected by noise from commercial sources. No conditions are required in this regard.

(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

Statutory Instrument 2020:632 introduces the requirement that consideration is given in respect to the provision of adequate natural light in all habitable rooms. This requires examination of the detailed floor plans and a judgement to be exercised as to whether appropriate levels of light can be achieved to rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways.

Planning application 210885/FUL permitted additional windows to the external elevation of the building. The floor plans submitted show that each proposed habitable room would be provided with at least one large window to ensure adequate levels of light are achieved for the future occupants.

It is considered that based on the above, adequate levels of natural light are achieved for the future occupant, and therefore the proposal accords with Criteria e).

(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 22 new dwellings, the height of the building is approximately 10.5m, which is less than 18m and it is fewer than 7 storeys.

Basic standards for fire safety and building standards should be met.

Conditions

The imposition of conditions to a prior approval is permitted under Clause 13 to Class W of the GPDO where these are 'reasonably related to the subject matter of the prior approval'. The recommendation therefore includes only conditions which are considered to be reasonable, enforceable and necessary in planning terms.

Conclusion

The development subject of this prior notification is considered to meet the relevant criteria of Class MA of the GPDO. In considering the relevant conditions pursuant to the Prior Approval of this application, the proposal will not give rise to any transport impacts, contamination risks, flooding risk, nor would it experience adverse noise impacts from adjacent commercial

premises. It is considered that adequate natural light would be provided in the habitable rooms. The development will not introduce a residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, and finally does not result in the loss of a designated service or fails the fire risk condition. Accordingly, it is considered that prior approval of the Local Authority is required and given thereby permitting the development by virtue of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:

Prior Approval is not required.

Conditions:

1. Time limit
2. Approved plans