

DELEGATED APPLICATION REPORT

SITE ADDRESS: 59a Basingstoke Road

APPLICATION NUMBER: 220772/EPA

PROPOSAL: Change of use from Class E (offices) to C3 (dwelling houses) to comprise 1 Flat. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

EXTENDED TARGET DATE: 18/08/22

Introduction

The application site is located to the rear of 59 Basingstoke Road. It does not have a frontage to the road. Whilst the address of the site is 'Basingstoke Road', it is located on Surrey Road.

The site is not Listed, nor located within a Conservation Area.

Proposal

Prior approval is sought under Class MA Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the change of the building to 1 x flat.

Information Submitted

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

Drawings/ documents considered:

Internal Daylight Assessment prepared by T16 Design, dated 17/07/22, Issued July 2022

Statutory Declaration from owner of Redhatch Property Management Limited

Received 25th July 2022

Statement of compliance

02-01 - Site location plan

03-01 - Floor Plans

Received 26th May 2022

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

2205432/OPA - Change of use from Class E (offices) to C3 (dwelling houses) to comprise 1 Flat. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Application Closed as invalid prior approval type

Consultations

RBC Transport - No objection subject to informatives.

RBC Environmental Health - No comments to make

Publicity

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

One objection was received which states the following:

Waste Issues - The potential waste generated by a dwelling house would be far greater than the current office setting. With the existing waste bins issue around the site (as per the recent letter dated 9 June 2022 issued by Reading Borough Council), it will only create adverse additional waste issues than it already is around the neighbourhood.

Overcrowding Shared Access Pathway - The current shared access pathway is already narrow enough for the current residents, therefore the introduction of a new dwelling (at 59a) will only increase the number of people using the pathway and make matters worse. The pathway is never thought to be designed for so many dwellings not only for the waste issues as mentioned above, but mainly for safety reasons i.e. in case of emergency/ fire.

Privacy and Safety - The current office (property no. 59a) has a window and a door on the first floor which can overlook and access to my terrace (property Maisonette no. 59) which I have always objected to for privacy and safety reasons. I have great concern that if the property is allowed to be converted into a dwelling house, there will be people residing in the property (no. 59a) 24/7 and will definitely pose greater privacy and safety concerns to my family members especially my young children.

Potential Noise and Disturbance - With an additional dwelling at a close proximity to my property, there will be potentially more noise and disturbance to our current living area particularly in the evening/ night.

Officer comment: Officers are required to assess and determine the application under the criteria of Class MA, Part 3, Schedule 2 of the General Permitted Development Order (2015) rather than against planning policy.

All of the above points raised by a member of the public cannot be considered for applications submitted under the GPDO. The matters that can be considered are discussed in the report.

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 unit complies 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; a statutory declaration from the owner of the company (Redhatch Property Limited) that used the office has confirmed that the site was vacant 3 months prior to the application. Given this is a worn legal document, and given that the site was not registered for business rates within 3 months of the application, indicates that on the balance of probability the site was vacant for the required time period.*

(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) Class B1 (office) 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 ground floor does 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.*

Whilst the proposed development would have fallen under Class O before 1st August 2021, it would not have been 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 Council's Transport Team raise 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. However, the applicant will be advised that future occupiers would not be entitled to a parking permit.

(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 surrounding area is a mixture of commercial and residential use. Some level of noise is expected within a town centre location. No objections were raised by Environmental Health regarding exposure to noise from commercial units and therefore the proposal is deemed acceptable in this respect.

(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

A light report has been submitted which concludes that all habitable rooms would receive an adequate level of light. The proposal is therefore deemed acceptable in this respect.

(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. W

(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 Class MA.2.(2) (f) (provision of adequate natural light) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:

Prior Approval is required and **GIVEN**

Conditions:

1. Time Limit
2. Plans

Informatives:

1. Parking Permits
2. Class MA criteria is met
3. No external works permitted