DELEGATED APPLICATION REPORT

SITE ADDRESS:	**Queen's Wharf, 47 Queens Road, Reading**
APPLICATION NUMBER:	**221384**
PROPOSAL:	**Application to determine if prior approval is required for a proposed Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) for 9 residential units. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA**
DECISION DATE:	**10/11/2022**

Introduction

The application site comprises a seven-storey building on Queens Road, Reading. Access to the site is via Queens Road, with vehicular access to the southwest corner of the site. The surrounding area consists of multi-storey buildings of a similar size and scale to that of the proposal site.

Fig 1 – Google Street View image of 47 Queens Road captured in August 2021 (image retrieved on 09/11/2022)

Fig 2 - Photograph of the existing front of 47 Queens Road taken by case officer on 30/09/2022

Proposal

Prior approval is sought for the proposed change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) for 9 residential units. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

The proposal seeks the creation of 9 flats (studio x1; 1-bed x5; 2-bed x3) to the ground floor of Queens Wharf, 47 Queens Road.

Information Submitted

Plans considered (plans with double strikethrough denote superseded plans):

- Existing Site Location and Block Plan – 0884_1000
- Existing Ground Floor Plan – 0884_1020
- Existing Lower Ground Floor Plan – 0884_1021
- Existing Elevations 01 – 0884_1040

- Existing Elevations 02 – 0884_1041
- Existing Elevations 03 – 0884_1042
- Existing Elevations 04 – 0884_1043
- Proposed Ground Floor Plan – 0884_1210
- Proposed Lower Ground Floor Plan – 0884_1201
- Proposed Elevations 01 – 0884_1400
- Proposed Elevations 02 – 0884_1401
- Proposed Elevations 03 – 0884_1402
- Proposed Elevations 04 – 0884_1403
- Proposed Block Plan – 0884_1205
- Fire Statement for works at Queen's Wharf, 47 Queen's Road, Reading
- Design and Access Statement prepared by Ashton Architecture (Dated September 2022)
- Application Letter (Dated 14/09/2022)

Received on 15/09/2022

- Fire Statement for works at Queen's Wharf, 47 Queen's Road, Reading Rev A
- Proposed Ground Floor Fire Strategy Rev A – 0884_1251

Received on 08/11/2022

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

960388/FUL - Installation of new windows to mezzanine floor level to 3 elevations. – Application Permitted on 04/10/1996

970829/FUL - Construction of new external fire escape stair following demolition of existing bridge links to 47/57 Queens Road – Application Permitted on 02/03/1998

992239/FUL - REFURBISHMENT OF EXISTING OFFICE BUILDING WITH NEW ENTRANCE AND RECEPTION AREA – Application Permitted on 09/07/1999

991765/FUL - Conversion/extension of existing commercial premises into 78 residential apartments and conversion of part of ground floor of building into a health and fitness centre, supported by secure parking for 63 parking spaces – Application Permitted on 13/12/2000

991203/ADV - Corporate sign on the front elevation, on brick parapet to car park, car park sign. – Application Permitted on 09/01/2001

011374/FUL - Installation of standby generator and associated plant – Application Permitted on 10/07/2001

010602/FUL - Change of use (Health and Fitness to office accommodation) remaining residential unchanged – Application Permitted on 29/07/2002

010147/FUL - New windows to lower ground floor to Queens Road elevation, new external louvres to replace existing, revisions to openings to elevations to service yard – Application Permitted on 16/01/2002

210776/CLP - Certificate of Lawfulness for proposed replacement of high level cladding, render and replacement of wooden balconies (amended) – Permitted Development Confirmed on 25/08/2021

210777/CLP - Certificate of Lawfulness for proposed replacement of cladding and wooden balconies – Application Withdrawn on 12/08/2021

211371/CLP - Certificate of Lawfulness for proposed removal/replacement of spandrel/window panels (like for like) and removal/replacement of timber to balustrade screens – Permitted Development Confirmed on 14/10/2021

221383/EPA - Application to determine if prior approval is required for a proposed Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) for 7 residential units. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA – Application to be determined.

Consultations

Reading Borough Council, Transport – Response received on 12/10/2022

- *In principle, Transport do not have any objections to prior approval being given as the change of use would not have a material impact on the character of the traffic in the vicinity of the site given the extensive parking restrictions in the area.*
- A parking permits informative should be attached to any decision.

Reading Borough Council, Environmental Protection – Response received on 11/10/2022

- No comment to make on this application.

Health & Safety Executive – Response received on 03/11/2022

- he following information is requested in order to further consider this application:
    - Details of the external wall system.
    - Details of any existing or proposed sprinkler system.
    - Details of any firefighting shaft(s) within the building.

Health & Safety Executive – Updated response received on 08/11/2022

- *Previously, HSE raised concern regarding the external wall system (EWS). In response the applicant states "The proposed works will upgrade to the existing external wall structure as necessary". Within the same email it is then further stated: "If necessary, we would consider a pre-commencement condition appended to an approval, designating that prior to commencement of the development, the existing external wall build up is to be tested for compliance with and evidence submitted to the LPA."*
- *However, notwithstanding the applicant's comment, in the absence of further information about the external wall, HSE maintains this concern. HSE consider that information about the external wall system should be made available as part of the prior approval application, rather than pursuant to the discharge of a pre-commencement condition. For information, the fire safety standard requires, for relevant buildings, that materials which become part of an external wall or specified attachment are non-combustible and achieve class A2-s1, d0 or better. If design changes were required to meet the fire safety standards, this may affect land use planning considerations such as the appearance of the building.*
- The details provided regarding the sprinkler system and firefighting shafts are and will be subject to consideration at later regulatory stages.

Publicity

A site notice was displayed at the application site on 30/09/2022 for a period of 21 days, expiring on 21/10/2022. No responses have been received to the public consultation.

Appraisal

The proposal comprises the change of use of the front part of the ground floor of the building from Class E(a) office floorspace to 9x Class C3 (dwellinghouse) units. 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).

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 unit complies with these minimum space standards as illustrated in the accompanying plan.

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 form and application letter state that the ground floor space has been vacant for a period of more than 3 months prior to the date of the application letter (14/09/2022).

(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 relate fell within one or more of the classes (Use Class B1) specified in subparagraph (2), in this case (i) Class A1 (shops), 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 gross internal area of the existing office space is 721m².

(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 198155;***
> ***(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.***

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

Conditions

MA.2.—(1) 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 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.

(b) Contamination risks in relation to the building

No groundworks are required as part of the change of use. As such the proposal is considered to be acceptable in terms of contamination risks to the building.

(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

There are no concerns with regards to the impact of noise from commercial premises on the intended occupiers of the development. The floors above the ground floor are entirely within residential use, whilst the neighbouring buildings are of office use and unlikely to generate noise that would harm the living conditions of future occupants to the ground floor.

(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

Therefore, there is considered to be adequate levels of natural light to the proposed dwelling using the existing openings.

(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 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 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.

The building falls under criteria (a) of Paragraph (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as the building measures more than 18m in height. A Fire Statement and Fire Strategy plan have therefore been submitted for consideration; these documents have also been considered by Health & Safety Executive (HSE).

As per the response from HSE, clarification to the following was requested; details of the external wall system, details of any existing or proposed sprinkler system, and details of any firefighting shaft(s) within the building. The details of the firefighting shafts have been suitably addressed, with confirmation received that there are two lifts within the building running from the ground floor up to the sixth floor. It has been confirmed that a sprinkler system to the ground floor will be installed as demonstrated on the revised ground floor fire strategy plan.

Details concerning the fire classification of the external walls have not been provided prior to a decision for this application. HSE are of the view that this information should be made available as part of the prior approval application. Therefore, the application has failed to demonstrate that the development would meet the requirements of the fire risk condition.

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 business premises. It is considered that adequate natural light would be provided in the habitable room. 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 does not result in the loss of a designated service.

The proposed development has, however, failed to demonstrate that the external walls meet the required fire safety standard. Accordingly, it is considered that prior approval of the Local Authority is required and refused in accordance with the requirements of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation:

Prior Approval is required and REFUSED.

Conditions:

1. The proposed development has failed to demonstrate that the external wall systems meet the required fire safety standard of class A2-s1, d0 or better in accordance with BS EN 13501-1:2018 Fire classification of construction products and building elements. Part 1: Classification using data from reaction to fire tests. Prior approval is therefore refused on the basis that the development would fail to meet the requirements of paragraph MA.2.(2)(i) of Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives:

1. The Local Planning Authority has taken into consideration the following documents and plans:
    - Existing Site Location and Block Plan – 0884_1000
    - Existing Ground Floor Plan – 0884_1020
    - Existing Lower Ground Floor Plan – 0884_1021
    - Existing Elevations 01 – 0884_1040
    - Existing Elevations 02 – 0884_1041
    - Existing Elevations 03 – 0884_1042
    - Existing Elevations 04 – 0884_1043
    - Proposed Ground Floor Plan – 0884_1210
    - Proposed Lower Ground Floor Plan – 0884_1201
    - Proposed Elevations 01 – 0884_1400
    - Proposed Elevations 02 – 0884_1401
    - Proposed Elevations 03 – 0884_1402
    - Proposed Elevations 04 – 0884_1403
    - Proposed Block Plan – 0884_1205
    - Fire Statement for works at Queen's Wharf, 47 Queen's Road, Reading
    - Design and Access Statement prepared by Ashton Architecture (Dated September 2022)
    - Application Letter (Dated 14/09/2022)

    Received on 15/09/2022

    - Fire Statement for works at Queen's Wharf, 47 Queen's Road, Reading Rev A
    - Proposed Ground Floor Fire Strategy Rev A – 0884_1251

    Received on 08/11/2022

2. The Local Planning Authority has worked positively and proactively with the applicant to see if relevant concerns could be resolved to allow permission to be granted. However, that has not been possible within the prescribed target or agreed extended timescale and therefore the decision to refuse planning permission has been taken.