

DELEGATED APPLICATION REPORT

Ward: Caversham

App Ref: 220653/EPA

Address: 16 Bridge Street, Caversham, Reading

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

Case Officer: Beatrice Malama

Applicant: Sykes Capital Ltd

Date received (valid from): 4 May 2022 **Target Decision date:** 29 June 2022

Site Description and Surrounding Area

The application site is a three story building on the western side of Bridge Street, Caversham. This application relates to the first floor of 16 Bridge Street which was previously used as an office. The site is within an area of mixed use comprising of residential, commercial, health and other public houses. Within the immediate surrounding of the site are residential and commercial properties of different designs and styles.

The site is within flood zone two and within an area classified as Air Quality Management Area and it falls within St Peters Conservation Area. However, the building is not listed nor are there any listed building nearby.

Background and Proposal

Planning applications 140418 and 182017 were permitted in 2014 and 2019 respectively, for change of use of the first floor of 16 Bridge Street from office residential. However, this was not implemented and the permission has since expired.

This application is for the 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 of 1st Floor from Class E (offices) to C3 (dwelling houses) to comprise 2 flats. No external alterations are proposed as part of the proposed change of use.

Plans submitted:

Drawing No. 9065 - PR 01 - Site and Location Plan

Drawing No. 9065 - PR 02 - Existing Ground, First and Second Floor Plans

Drawing No. 9065 - PL 01 - Proposed Ground, First and Second Floor Plan

Received on 4th May 2022

Other supporting documents submitted:

Flood Risk Assessment 6 Bridge Street, Caversham, Reading, RG4 8AA dated May 2022

Planning statement Ref. 9065-22 dated 30-04-22

Received on 4th 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

Planning Ref	Description	Decision	Date
071072	Certificate of lawfulness for class B1 business use	Permitted	1/11/2007
080245	Conversion of existing two storey office building to form two self-contained dwellings.	Refused	16/10/2008
100447	1 illuminated front fascia and 1 illuminated projecting sign	Permitted	3/ 8/2010
101951	Change of use of second floor from Financial/Professional Services (A2) to Beauty Salon (Sui Generis)	Permitted	10/12/2010
110966	Change of use from B1 to D1 (Education)	Refused	28/11/2011
131668	Change of use of first floor from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x 1 bed flats.	Refused	21/ 1/2014
140418	Change of use of first floor from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x 1 bed flats.	Permitted	12/ 5/2014
140927	Change of use from D1 to A2 of Second floor	permitted	14/ 8/2014
141411	Application for a Lawful Development Certificate for a Proposed use or development. Change of use of A2 second floor into 2 flats	Refused	30/10/2014
182017	Change of use of first floor from Class B1(a) (offices) to C3 (dwelling houses) to comprise 2 x 1 bed apartments. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).	Permitted	14/ 1/2019

Consultations

Internal

RBC Transport - No objection to this application subject to informatives recommended.

RBC Environmental Protection - No objection to this application. Informatives recommended to ensure noise levels are minimised.

External

Environmental Agency - no comment received at the time of reporting.

Publicity

A site notice was sent to the applicant on 11th May 2022.

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 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;

It can be confirmed 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;”

It can be confirmed that the building for which this application relate falls within one or more of the classes specified in subparagraph (2), in this case (b) Class E (commercial, business and service), 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;”

It can be confirmed that the floor area does not exceed 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;”

It can be confirmed the building does not fall within an area of outstanding natural beauty, area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park nor a World Heritage Site.

(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 2021, 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) 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

Within the application form it is stated that “the site is located within Caversham centre close to all local amenities & all transport links. There is no off street parking available”. This means a car free scheme is possible and would be acceptable. Given the scale of the development, the proposed change of use would unlikely result in a material increase or material change in the character of traffic in the vicinity of the site. In addition, the Council’s Transport Team raise no objection to prior approval being given however the applicant is advised to ensure that the refuse storage provisions comply with the Council’s Waste Management Guidance which is available to view online. Bins should be stored within the curtilage of the site and not on any part of the public highway. Further, conditions and informatives related to highways and parking have been recommended.

(b) Contamination risks in relation to the building

The land is not known to be contaminated nor is there any known potential for future contamination therefore the proposal is considered to be acceptable in terms of contamination risks to the building.

(c) Flooding risks in relation to the building

Whilst the site is located within Flood Zones 2 and within the historic flood area, the proposed change of use would not increase the building’s footprint or the impermeable surface area of the site. No changes have been proposed to the ground floor. As such the risk of flooding would unlikely increase significantly as a result of the proposed change of use. This is also confirmed within the submitted risk assessment report dated May 2022.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

The application site is surrounded by buildings of various uses including commercial, health, residential and public houses. Due to the nature and uses of surrounding properties, it is considered unlikely that the noise from nearby various uses will have a detrimental impact on the future occupants of the property. However, in order to ensure that the impact of noise from traffic, demolition and construction and future occupants of the flats on neighbouring residents is minimised, relevant informatives have been recommended by the Environmental Protection Team.

(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;

Whilst the site falls within a conservation area, this change of use application relates only to the first floor of the building. In addition, no external alterations to the ground or upper floors have been proposed as part of this application as such it is considered that there would be no harmful impact as a result of the change of use on the character of the 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. As a starting point, where the application relates to prior approval as to adequate natural light, the LPA must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses (paragraph W (2A)). This is not a matter for the LPA's discretion, as refusal is mandatory in such circumstances. The LPA's discretion under paragraph W(3) to refuse an application where the proposed development does not comply with any of the relevant conditions, limitations or restrictions applicable to the development permitted is removed in respect to the provision of adequate light in the case of Class MA, in view of the absolute requirement to refuse the application where adequate natural light is not provided.

The above assessment requires examination of the detailed floor plans and any relevant supporting evidence. A judgement must be reached based on the information submitted as to whether appropriate levels of light can be achieved for rooms used for sleeping or living. This excludes bathrooms, service rooms, corridor, laundry rooms and hallways.

The proposed floor plans submitted with this application show that each habitable room would be provided with at least one window providing natural light to the occupants.

Based on the proposed layout, the presence of windows to all habitable rooms and the orientation of the building (east facing), it is considered that adequate levels of natural light are achieved for the future occupants, and therefore the proposal accords with condition (f).

(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 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 is not classed as a relevant building as the overall height is less than 18m; and is less than 7 storeys tall.

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 any commercial activities. It would not harm the character or sustainability of the area or be unable to provide adequate natural light in all 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 required and GIVEN.

Conditions:

1. This development under Class MA is permitted subject to it being completed within a period of 3 years starting with the prior approval date on this decision notice.

REASON: To comply with the requirement of paragraph MA.2.-(5) of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans and documents:

Drawing No. 9065 - PR 01 - Site and Location Plan

Drawing No. 9065 - PR 02 - Existing Ground, First and Second Floor Plans

Drawing No. 9065 - PL 01 - Proposed Ground, First and Second Floor Plan

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Other supporting documents submitted:

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Planning statement Ref. 9065-22 dated 30-04-22

Received on 4th May 2022

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Informatives

IF3 Highways

I13 Parking Permits

Noise impact on development

Consideration should be given to protecting the dwellings from noise from the busy Bridge Street.

Internal noise criteria (taken from BS8233:2014)

Room	Design criteria	Upper limit
Bedrooms (23:00 to 07:00)	<30dB LAeq,8hour	
Living rooms (07:00 - 23:00)	<35dB LAeq,16hour	
Gardens & Balconies	<50dB LAeq,T	<55dB LAeq,T

Noise between residential properties - sound insulation of any building

To minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E.

Air Quality - Increased exposure

Consideration should be given to protecting the proposed dwelling from poor air quality on the Bridge Street façade e.g. via mechanical ventilation - inlets from the 'clean' side of the development; consider placing stairwells, corridors and bathrooms on the façade fronting pollution source; installation of green walls, roofs, or planters.

Contaminated Land

You are advised that the development lies within a landfill buffer zone which has the potential to have caused land gas. You may wish to satisfy yourself that the details of the construction proposals take the necessary account of the possibility of contaminants from that source.

Construction and demolition phases - extensions / renovations

Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

There should be no burning of waste on the site.