Town Planning Bureau

The Barn
43 Oakdene Road
Redhill
Surrey
RH1 6BT

Tel. 01737 390169

Planning Supporting Statement

RE: PRIOR APPROVAL NOTIFICATION FOR A CHANGE OF USE OF THE FIRST, SECOND AND THIRD FLOORS AND PART OF THE GROUND FLOOR FROM CLASS E OFFICE UNIT TO C3 RESIDENTIAL COMPRISING NINE SELF-CONTAINED FLATS.

SITE: 200-202 BROAD STREET, READING, RG1 7QJ.

Date: 5th April 2022

Our ref: TPB-555-ST2

e-mail
info@tpbureau.co.uk

web
www.tpbureau.co.uk

1. The Application

This letter is presented in support of a notification of prior approval in respect of the change of use of the first, second and third floors of the above property from Class E (Commercial) to C3 (dwellinghouses) comprising six x one-bedroom self-contained residential units and three x two- bedroom units. It is considered this change of use is permitted development in accordance with Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") as amended 2021.

The Notification is submitted on behalf of The Thackeray Estates Ltd, who are the owners of the property.

The lawful use of the first, second and third floors is Class E (Commercial).

This application pack comprises the following documents:

- Existing and proposed drawings (floorplans).
- Site plan.
- Block plan.

We should be grateful if you would give full consideration to the matters set out below.

2. The Site

The property comprises a four storey building located on the corner of West Street and Broad Street, comprising ground floor class E(c) (bank) with offices above.

The entrance to the upper floors is via West Street.

3. Details of the proposed development

The proposed development involves:

- The change of use of the first, second and third floors from Class E (Commercial) to C3 (dwellinghouses) comprising six x one-bedroom self-contained residential units and three x two-bedroom units.

  - First floor flats: 1 = 55sqm, 2 = 44sqm and 3 = 64sqm.

- Second floor flats: 4 = 56sqm, 5 = 46sqm and 6 = 66sqm.
- Third floor flats: 7 = 56sqm, 8 = 46sqm and 9 = 66sqm.

- Direct access to the flats would be via a shared stairway from an entrance lobby on the West Street frontage.
- Cycle parking for twelve bikes would be provided in the basement floor.
- There would be no external changes to the exterior of the building.

4. The Use of the Building

Planning decision

LPA Ref: 980922 - Change of use from A1 retail to A2, financial and professional service (ground floor). Approved: 20/01/1999.

Current use

Ground floor: occupied by TSB Bank (Class E(c)-Commercial, Business and Service)

First floor: occupied by TSB Bank as back office and meeting rooms un-connected to branch operation Ancillary to (E(c) office).

Second floor: occupied by TSB Bank as back office and meeting rooms un-connected to branch operation - Vacant but was connected to (E(c) office).

Third floor: occupied by TSB Bank as back office and meeting rooms un-connected to branch operation - Vacant but was connected to (E(c) office).

5. Assessment of proposal

Legislative Background

The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force in April 2015, as amended 2021. Class MA of Part 3 of Schedule 2 permits the change of use of a building or land within its curtilage to use within Class C3 (dwellinghouses) from a use falling within Class E) (Commercial, business and service) subject to criteria as set out in O.1 and O.2. Class O was further amended in 2016. We assess the proposal against the requirements of the legislation.

Assessment of Proposal

The Prior Approval application requires the Applicant to demonstrate compliance with Class MA of the GPDO (as amended). The headings below assess compliance with Class MA.

Class MA: 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 of that order.

Development not permitted

MA.1 Development is not permitted by Class MA where—

(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 building has been vacant for a period of at least 3 months– the proposal complies with this requirement.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

- The premises have been used for Class E purposes for over 2 years.

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

- The floorspace does not exceed 1,500 sqm. as shown on the enclosed plans.

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;

- The site does not form part of any of the above– the proposal complies with this requirement.

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);

(iii)the Broads;

(iv)a National Park; or

(v)a World Heritage Site;

- The site does not fall within any of the above – the proposal complies with this requirement.

(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

- The site does not form part of an agricultural tenancy– the proposal complies with this requirement; and

(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.

- The site does not come under the description falling within Class O and would have been permitted under Class O– the proposal complies with this requirement.

Conditions

MA.2. (1) Development under Class MA is permitted subject to the following conditions.

(2) before beginning the development, the developer shall 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, highways and access impacts of the development,

- No off-street car parking would be provided due to site constraints, as existing. The Applicant is willing to enter into a legal agreement to prevent future occupiers from requesting parking permits for on-street parking or the attachment of conditions to prevent such on this submitted scheme.
- Secure internal cycle parking for nine bikes, one for each flat would be provided within the basement floor.
- Refuse storage areas would be provided within the basement floor, in compliance with relevant policies and standards. It is therefore considered this is acceptable.
- Direct access to the flats would be via a shared stairway from an entrance lobby on the West Street frontage.

(b) contamination risks on the site,

- The flats are at first and second floor level above a shop, with just the entrance area at ground floor. Accordingly, there are no potential sources of contamination at the site.

(c) flooding risks on the site, and

- The site is located within Environment Agency Flood Zone 1, with a low risk of flooding. There is no risk of flooding to the residential units, as they are to be located within the first and second floors, and it is considered the scheme is acceptable in flood risk terms.

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

- The flats would be located on the first to third floors above a ground floor bank. Sound attenuation measures between the two uses will be provided in order to mitigate and prevent impacts from noise. This will form part of the Buildings Regulation application but can also be subject to agreement by way of conditions.

(e), (g) and (h) of the Conditions are not relevant in regard to this application for prior approval.

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

- There will be the provision of adequate natural light in all habitable rooms of the dwellinghouses.

- One will note the addition of nine windows to the rear windows serving Flats 3, 6 and 9, these windows are subject to a separate planning application and a condition of the consent is that the change of use cannot commence until the windows, as submitted have been installed.

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

- This application is post 1 August 2021.

(4) the provisions of paragraph W (prior approval) apply in relation to that application

- The requirements of paragraph W would be complied with.

(5) Development under Class MA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

- The development will be completed within three years of the prior approval date.

6. Summary and conclusions

We submit that the change of use to Class C3 (dwellinghouses) from Class E (commercial, business and service) is permitted development in accordance with Class MA of the GPDO for the following reasons:

- The development would not consist of any of the works listed in part MA.1 where development is not permitted, and does not trigger any of the conditions listed under part MA.2.
- The building is in lawful Class E office use and has been for a considerable length of time. It was in office use on 29th May 2013 and has been since.
- There would be no transport or highway risk.
- There is no contamination risk.
- There is no flood risk.
- There would be no impact from noise.
- There will be the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Should you wish to discuss this notification, or require further information, please do not hesitate to contact the writer.

Prepared by:

Paul S Bottomley BA (Hons) MA MRTPI
Town Planning Bureau