

DELEGATED APPLICATION REPORT

SITE ADDRESS:	264 Kentwood Hill, Tilehurst, Reading, RG31 6DR
APPLICATION NUMBER:	220106
PROPOSAL:	Change of use of rear part of ground floor shop (Class E) to 1 x studio dwellinghouse (Class C3). Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
DECISION DATE:	22/03/2022

Introduction

The application site comprises of 264 Kentwood Hill, which was previously occupied by a charity shop, and has been closed since at least September 2016 according to imagery on Google Street View. At ground floor it is an existing Class E shop unit. Access to the upper floor (residential unit) is gained via a front entrance onto Kentwood Hill through the shop (there is no independent access). It is proposed that the new dwelling would be accessed from the rear.



Fig 1 - Google Street View image of 264 Kentwood Hill captured in April 2021 (image retrieved on 10/03/2022)



Fig 2 - Photograph of the existing front of 264 Kentwood Hill taken by case officer on 09/02/2022

Proposal

Prior approval is sought for change of use of the rear part of the ground floor from Class E (Commercial, Business and Service) to C3 (dwelling houses) to comprise 1 new dwelling. Prior Notification is sought under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Information Submitted

Plans considered (plans with double strikethrough denote superseded plans):

- Location Plan - KHR.264.LP
- Existing Plans - KHR.264.EX.101
- Proposed Plans - KHR.264.PR.101

Received on 25/01/2022

- Noise Impact Assessment - 264 Kentwood Hill - February 2022

Received on 22/02/2022

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

880306/FUL - CHANGE OF USE FROM RETAIL SHOP (CLASS A1) TO CAFE (CLASS A3) - Application Refused on 12/01/1989

220079/FUL - Various alterations to shopfront and ground floor shop, including a replacement entrance to the reconfigured ground floor shop and new entrance from the street to serve the existing residential unit above - Application to be determined.

220252/FUL - Conversion of loft space into habitable room with two rear dormer windows and 4 x front rooflights - Application to be determined.

Consultations

Reading Borough Council, Transport - Response received on 17/02/2022

- *Transport do not have any objections to this application.*

Reading Borough Council, Environmental Protection - Response received on 01/02/2022

- *A noise assessment should be submitted in support of applications for new residential proposed in noisy areas. Whilst the area in general may not have noisy commercial uses, as the flat will adjoin the shop to the front, an assessment should be submitted to demonstrate that the sound insulation between the two uses will be sufficient to enable the shop to operate without undue restrictions and to enable the occupant of the flat to live without being disturbed by activities in the shop. This is especially important given the layout being a studio and therefore all the living space adjoins the shop directly.*

Reading Borough Council, Environmental Protection - Further response received on 23/02/2022 upon review of the Noise Impact Assessment submitted by the applicant on 22/02/2022

- *I have reviewed the assessment and it demonstrates that the noise levels within the proposed flat should be acceptable.*

Publicity

A site notice was displayed at the application site on 09/02/2022 for a period of 21 days, expiring on 02/03/2022. No responses have been received to the public consultation.

Appraisal

The proposal comprises the change of use of the rear part of the ground floor of the building from Class E(a) to 1x studio Class C3 (dwellinghouse) unit. 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. 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;*

The application site comprises of 264 Kentwood Hill, which was previously occupied by a charity shop, and has been closed since at least September 2016 according to imagery on Google Street View.

(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 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;”

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;”**

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) 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 the various standards detailed within the legal context section above. Each is considered below:

(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

The Council's Environmental Protection team sought for a noise assessment to be submitted to seek to justify the proposals. The submitted Noise Impact Assessment by Stinton Jones Consulting Engineers LLP confirms that the noise arising from adjoining commercial premises is below the recommendations of BS 8233 and the usual planning guidance and accepted practice.

The conclusions drawn in the Noise Impact Assessment report have been agreed by the Reading Borough Council 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;

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

The proposed plans demonstrate that the habitable room (as this is a studio unit this comprises an open plan living / dining / kitchen and bedroom area) is served by windows and existing rooflights, allowing for adequate levels of natural light. 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 development does not meet the fire risk condition.

Other matters

Although not a matter which can be considered in line with the legislative basis above, it is evident from the existing/proposed floorplan that the proposed development would result in the removal of an internal staircase which provides access to the separate existing upper floor residential unit. As such, considered in isolation, the proposal removes existing access being possible to the upper floor of the building. It is relevant that there are separate applications presently under consideration by the local planning authority in respect of other elements of the building, which would include regularising this situation. However, those

applications will be judged on their own merits, irrespective of the outcome of this application. In the circumstances, given other applications (see relevant history above) have not been determined, it is considered necessary to simply add an informative to the decision notice outlining to the applicant that access to the upper floor will need to be examined in light of this being removed as shown on the existing and proposed floorplan submitted.

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 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:

- Location Plan - KHR.264.LP
- Existing Plans - KHR.264.EX.101
- Proposed Plans - KHR.264.PR.101

Received on 25/01/2022

- Noise Impact Assessment - 264 Kentwood Hill - February 2022

Received on 22/02/2022

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:

1. The proposal meets the relevant criteria set out in Class MA.
2. The applicant is advised that this decision represents the determination of the Local Planning Authority in respect of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as to whether Prior Approval is required in respect of the change of use only. Class MA does NOT afford any permitted development rights for external works which affect the exterior of the building in order to implement the change of use.
3. On the basis of the existing and proposed plans submitted it would appear that the sole existing staircase to the upper floor of the building will be removed. The applicant is advised that due consideration should be made to ensuring that access to the upper floor is maintained.