

DELEGATED APPLICATION REPORT

SITE ADDRESS: 192 Henley Road, Caversham, Reading, RG4 5LN
APPLICATION NUMBER: 211557
PROPOSAL: Change of use of Ground Floor from Class E (offices) to C3 (dwelling houses) to comprise 1 new dwelling. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
DECISION DATE: 17/11/2021

Introduction

The application site comprises of 192 Henley Road, which was previously occupied by the Clean Green Living Ltd. At ground floor is an existing Class E unit. Access to the upper floors is gained via a side entrance. The rear of the ground floor and the whole of the first floor comprises of an existing three-bed C3 dwelling.



Fig 1 - Photograph of the existing front of 192 Henley Road, showing the existing front entrance, but remains physically unaltered.

Proposal

Prior approval is sought for change of use of Ground Floor from Class E (offices) to C3 (dwelling houses) to comprise 1 new dwelling. Prior Notification 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Plans considered (plans with double strikethrough denote superseded plans):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 - 20/06/01
- Block Plan - 20/06/02

- Existing Elevations - 20/06/03
- Existing Floor Plans - 20/06/04
- Proposed Elevations - 20/06/05
- Proposed Floor Plans - 20/06/06
- Car Parking Plan - 20/06/07

Received on 20/09/2021

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

992026/ADV - Provision of 1 x Single Sided Free Standing Advertisement Display Unit
- Application Refused on 04/02/2000. Appeal Dismissed on 26/06/2000

020659/FUL - Change of use from shop (A1) to dwelling (C3) residential - Application Permitted on 28/05/2002

- Despite receiving approval in 2002, it does not appear that this permission was implemented.

Consultations

Reading Borough Council, Transport - Response received on 05/10/2021

- *The site is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. Typically, these areas are within 400m of a Reading Buses high frequency 'Premier Route', which provides high quality bus routes to and from Reading town centre and other local centre facilities. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 2 parking spaces.*
- *The submitted car parking plan illustrates 2 off road parking spaces, one of which is within the existing garage and one located on the drive; an existing dropped kerb serves this area. The proposed parking provision therefore complies with the Councils current standards.*
- *In accordance with the Borough's Parking Standards and Design SPD, a minimum provision 2.0 cycle storage spaces should be provided for the C3 dwelling, however under GPD we would not comment on this.*
- *Given the proposal is only for one dwelling trips generated would be low in the peak periods and therefore the development is acceptable in principle.*
- *There are no Transport objections to this application.*

Reading Borough Council, Environmental Protection - Response received on 06/10/2021

- *No objections to this application.*

Publicity

A site notice was displayed at the application site on 07/10/2021 for a period of 21 days, expiring on 28/10/2021.

One comment was received:

5 All Hallows Road - Consultation response received on 10/11/2021

- *“As a former resident of The Shop on the Corner 192 Henley Rd (albeit, many years ago), I have been saddened by the fact that it has been empty and deteriorating for so long. In theory at least, I would be pleased to see it converted to full residential use.”*

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;*

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 ground floor was previously occupied by Clean Green Living Ltd as an office. The applicant has provided site photos of the ground floor as vacant in December 2020. According to the information of the company on the gov.uk website; Clean Green Living Ltd was dissolved in April 2021, with 192 Henley Road listed as the registered office address from 28th June 2019.

(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 (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;”

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;”**

(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 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

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 and location of the development. Two off road vehicle parking spaces have been demonstrated on the plans, utilising the existing dropped kerb to the side of the property from All Hallows Road.

A pre-occupation condition was recommended by Transport that the parking spaces shall be provided in accordance with the approved plans and maintained as such to ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users. As no alterations are proposed to the existing parking situation and access, it is not considered appropriate to include a condition regarding the provision of on-site parking and associated access in this instance. The proposal seeks to integrate the Class E part of the building with the existing C3 dwelling. There is nothing stopping the existing C3 dwelling at 192 Henley Road from being occupied.

(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 area surrounding the proposal site is predominantly suburban, with a mix of large semi-detached dwellings. It is considered that the proposal site as a whole as a C3 dwelling would not be harmed by noise generated from any nearby commercial premises. The nearest commercial premises are located west of the proposal site and consist of a petrol station and pub, it is considered that harm would not come to future residents of 192 Henley Road as a result of noise generated from these premises.

(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 proposal site is not located within a conservation area. It is acknowledged that the part of the building to be changed to C3 residential use is the ground floor front. The surrounding area is considered predominantly residential with a mix of semi-detached dwellings. Therefore, the change of use of the ground floor to the front of the building back to residential is considered characteristic of the area.

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

The proposed plans demonstrate that all habitable rooms are served by windows, allowing for appropriate levels of natural light. Therefore, there would be appropriate levels of natural light to the proposed flats using the existing window 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 seeks to convert 192 Henley Road to one C3 dwelling. The height of the building is less than 18m and fewer than 7 storeys. A Fire Statement is therefore not required for this development.

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 would not harm the character or sustainability of the conservation 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:

- Location Plan - 20/06/01
- Block Plan - 20/06/02
- Proposed Elevations - 20/06/05
- Proposed Floor Plans - 20/06/06
- Car Parking Plan - 20/06/07

Received on 20/09/2021

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.

3. The dwelling hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for parking at all times thereafter.

REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users.

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.
 - i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
 - ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
4. You are advised to avoid the use of the grass verges for development related activity, e.g. storage of materials, due to the resulting potential harm to important street trees.