

DELEGATED APPLICATION REPORT

Target Date: 20/10/21

Application No: 211383/RPA

Address: 73 Norfolk Road

Proposal: Change of use from Class E (retail shop) to Class C3 (dwellinghouses) to comprise one dwelling. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

Case Officer: Tom Hughes

Introduction

The application site comprises 73 Norfolk Road, a two storey mid-terraced building vacant at the time of the application submission. A pre-existing retail shop occupies the ground floor. A two bed flat, accessed through the shop, occupies the first floor and the rear part of the ground floor. The site is not located within a designated Centre, nor comprises a Listed Building or within a Conservation Area. The surrounding area is predominantly residential in character.

Proposal

Prior Approval is sought under Class MA, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 for the change of use of an existing vacant shop (Class E) to a single dwelling (Class C3).

Plans Submitted

The agent supplied the following, received on 25/08/21:

Drawing No: 21/185/05 - Site Location and Block Plan

Drawing No: 21/185/11 - Existing Floor Plans

Drawing No: 21/185/12 - Proposed Floor Plans

Drawing No: 21/185/13 - Proposed Elevations

The original proposal included external alterations including the replacement of the existing shop front, and the reconstruction of the existing rear extension. The agent was advised on 12/10/21 that the external works were beyond the scope of this Prior Approval application, and would require planning permission.

Subsequently the agent supplied the following, received on 12/10/21:

Drawing No: 21/185/12 Rev. A - Proposed Floor Plans

Drawing No: 21/185/13 Rev. A - Proposed Elevations

Planning History

900246/FUL - Single storey side and rear extension - Permitted 12/10/90

930601/FUL - Rear conservatory - Permitted 16/09/93

210760/FUL - Various internal and external alterations including conversion of ground floor retail shop to 1x2 bed flat, single storey rear extension and loft conversion with provision of rear box dormer and roof lights - Refused 21/07/21

Legal Context

The application has been submitted to determine whether Prior Approval is required in accordance with Class MA, Schedule 2, Part 3 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 apply for a determination as to whether Prior Approval of the Local Planning Authority is required in respect of the following matters:

- (a) transport and highways 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 and 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;
- (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 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 three 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'.

Consultations

A site notice was displayed at the application site for the requisite period.

Reading Borough Transport Development Control

No objection, subject to informative.

Reading Borough Environmental Protection

No response to consultation.

Appraisal

The proposal constitutes the change of use of the building from Class E to Class C3, to comprise one dwelling, with the proposal to be considered against the criteria and conditions contained within Class MA, Part 3 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 06/04/21 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 06/04/21 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.

MA.1.-(1) Development is not permitted by Class MA-

(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;

It can be confirmed that the building has been vacant for in excess of 4 years. The building has therefore been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

(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;

It can be confirmed that the building for which this application relates fell within one or more of the classes specified in sub-paragraph (2). In this case, Class A1 (shops), for a continuous period of at least 2 years prior to the date of the application for prior approval.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;

It can be confirmed that the floor space changing use does not exceed 1500 square metres. The total area of this proposed change of use is approximately 115 square metres.

(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 a site of special scientific interest, listed building nor land within its curtilage, a scheduled monument or land within its curtilage, a safety hazard area or a military explosives storage area.

(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;
- (iii) the Broads
- (iv) a National Park; or
- (v) a World Heritage Site

The site is not located within any of these designated areas.

(f) 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 that the site is not occupied under an agricultural tenancy.

(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.

It can be confirmed that the site has not been subject to development of a description falling within Class O 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.

MA.2.-(1) 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 that 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.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

(a) Transport impacts

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core Area and extends to walking distances of 2km from the centre of Reading. Typically this zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. Due to the terraced nature of the street, there is no on-site parking.

Given the constraints of the site and the parking controls in the area, a car-free development can be considered in this location. However, occupants of the dwelling would not be eligible for a resident's parking permit. This will ensure that the development does not harm the existing amenities of neighbouring residential properties by adding to the already high level of on-street car parking in the area. On this basis there are no objections to prior approval being given as the change of use would not have a material increase, or cause a material change, in the character of traffic in the vicinity of the site.

(b) Contamination risks

The site is not located within an area of known contamination, nor are groundworks required as part of the change of use. The proposal is therefore considered to be acceptable in terms of contamination risks to the building.

(c) Flood risk

The site is not located within Flood Zones 2 or 3 and as such the proposals are acceptable in terms of flood risk.

(d) Noise impact from commercial premises

The site is located in an area of residential character, with no proximate commercial premises. As such, the proposals are acceptable in terms of noise impact from commercial premises.

(e) Conservation area

The site is not located within a conservation area.

(f) Adequate natural light

Statutory Instrument 2020:632 introduces the requirement that consideration is given in respect of 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. This is not matter for discretion, as refusal is mandatory in such circumstances.

The proposed floor plans show an open plan ground floor, with full width glazing to each end elevation, and two bedrooms, each with at least one window, at the first floor. Based on the proposed layout, it is considered that adequate levels of natural lights are achieved for the future occupants and the proposals are acceptable on this basis.

(g) Designated land

The site is not located within a designated Core Employment Area or located within an area which the LPA considers to be important for general or heavy industry, waste management, storage or distribution, or a mix of such uses.

(h) Loss of services

The development does not result in the loss of services provided by a registered nursery or health centre maintained under the relevant sections.

(i) Fire risk

A Fire Statement would be required if the development involved the development of a existing 'relevant building'. This criterion applies to a building which satisfies the height condition in para. (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and contains- (a) two or more dwellings; or (b) educational accommodation. Para. (3) states the height condition is that- (a) the building is 18m or more in height; or (b) the building contains 7 or more storeys.

In this instance, the building is not classed as a 'relevant building'.

Conclusion

The development subject of the prior notification is considered to meet the relevant criteria of Class MA. Prior approval of the LPA is therefore given, 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.