

Delegated Application Report**Target Date:** 20/04/2020**Address:** 35 Prince of Wales Avenue, Reading, RG30 2UH**Application No:** 200294**Proposal:** Change of use from retail (A1) to 1 bedroom flat (C3). Prior Notification under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**Case Officer:** David Brett**Introduction and Proposal**

The proposal is for the change of use of a shop (class A1) to a one bedroom flat (class C3). The proposal site consists of a now closed (at the time of site visit - 03/03/2020) convenience store on the ground floor, with a flat on the first floor. Alterations proposed to the existing shop include the addition of a bay window, a front garden wall, the demolition of an assumed storage area, and the demolition of a block storage shed.

35 Prince of Wales Avenue is part of a terraced row, and is the second to last dwelling on the row to the corner of Prince of Wales Avenue and Elm Park Road. The existing proposal site consists of a shop front on the ground floor, with a flat on the first floor, the exterior of the first floor flat consisting of patterned red and cream brickwork. There are heavy parking restrictions in place on Prince of Wales Avenue, with permit parking bays on the north side of Prince of Wales Avenue.

Plans Submitted

The agent supplied the following:

- Location Plan - 8932-PL-01
- Existing and Proposed Block Plan - 8932-PL-03
- Existing Elevations - 8932-PL-04
- Proposed Site Plan - 8932-PL-05
- Existing and Proposed Plans - 8932-PL-06
- Proposed Elevations - 8932-PL-07

Received on 24/02/2020

Relevant Planning History

None.

Summary of Consultations

The following were consulted by letter:

- Reading Borough Council, Transport - Response received on 23/03/2020
 - *There is no off road parking provision associated with this site. Prince of Wales Avenue is part of the Councils Residential Parking Permit Scheme, therefore unauthorised parking is controlled and monitored via the administration of the scheme.*
 - *Therefore under the Borough's current parking standards, this proposal would generate additional pressure for parking in the area, if this application is*

approved there should be an assumption that any future occupants of the proposed dwelling will not be issued with resident or visitor parking permits which should be covered by condition and informative, this will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

- *There are no Transport objections to this application.*
- Reading Borough Council, Environmental Protection - Response received on 17/03/2020
 - *The EP team do not have any objection to the proposed change of use.*

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Assessment

The proposed must be assessed to ensure that it complies with the conditions of Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to the 'enlargement, improvement or other alteration of a dwellinghouse'.

The relevant conditions of the GPDO for the enlargement of a house consisting of an addition or alteration to its roof are as follows:

M.1 Development is not permitted by Class M if—	
(a) the building was not used for one of the uses referred to in Class M(a)—	
(i) on 20th March 2013, or	Complies
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;	Complies
(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;	Complies
(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;	Complies
(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;	Complies
(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	Complies
(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or	Complies
(g) the building is—	
(i) on article 2(3) land;	Complies
(ii) in a site of special scientific interest;	Complies
(iii) in a safety hazard area;	Complies
(iv) in a military explosives storage area;	Complies
(v) a listed building; or	Complies

(vi)a scheduled monument.	Complies
M.2 (1) Where the development proposed is development under Class M(a) together with development under Class M(b), development 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 and highways impacts of the development,	PA not required to consider the transport and highways impacts of the development
(b) contamination risks in relation to the building,	PA not required to consider contamination risks in relation to the building
(c) flooding risks in relation to the building,	PA not required to consider flooding risks in relation to the building.
(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—	
(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or	No impact on building is located in a key shopping area, on the sustainability of that shopping area
(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and	The building is not located in a key shopping area.
(e) the design or external appearance of the building,	PA not required to consider the design or external appearance of the building.

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following drawings:

- Location Plan - 8932-PL-01
- Existing and Proposed Block Plan - 8932-PL-03
- Existing Elevations - 8932-PL-04
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Sufficient evidence has been provided to demonstrate that prior approval should be **granted** for the proposed.

Informatives

C00: Time Limit

In order to comply with the provisions of paragraph M2.(3) (a) of Class M of Part 3 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) development under Class M(a) and M(b) must be completed within a period of three years starting from the prior approval date.

IF1: Positive and Proactive Working - approval

The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.

The following plans and drawings have been assessed:

- Location Plan - 8932-PL-01
- Existing and Proposed Block Plan - 8932-PL-03
- Existing Elevations - 8932-PL-04
- Proposed Site Plan - 8932-PL-05
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Reason: For the avoidance of doubt and in the interests of proper planning.

IF3: Highways

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.

IF5: Terms

Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not

comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

IF6: Building Control

Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

IF7: Complaints about construction

Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.

IF8: Encroachment

During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: www.communities.gov.uk/publications/planningandbuilding/partywall

I13: Parking Permits

The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the [Council's website](#). There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.