

DELEGATED APPLICATION REPORT

SITE ADDRESS: 139 Caversham Road

APPLICATION NUMBER: 210033/RPA

PROPOSAL: Change of use of ground floor from Class A1 (shops) to C3 (dwellinghouses) to comprise 1 new flat. Prior Notification under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

AGREED EXPIRY DATE: 16/04/21

INTRODUCTION

The application relates to an end of terrace property located on the south west side of Caversham Road, on the corner with Swansea Road. The property comprises a retail unit at ground floor, with residential above.

The surrounding area consists of a mixture of independent shops, takeaways, newsagents and residential properties similar in character and scale to the application property. Properties to the northwest of the application site are used as hotels.

The site is located within Flood Zone 2 and 3 so is of a medium risk of flooding and an Air Quality Management Area.

PROPOSAL

The application seeks Prior Approval, under Class M, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of the ground floor from Class A1 (shop) to Class C3 (dwellinghouse) to comprise 1 new flat.

As well as internal changes the proposal also includes some external alterations to the building with alterations to fenestration. It is proposed to remove the single Swansea Road window and replace with two smaller windows to the proposed living room and bedroom. In addition to remove the northern-most window to the rear courtyard from the south western elevation and replace the second window with a larger window and to replace the rear door with a half-glazed door. The materials will match the original dwelling in terms of style, design and colour. A flood risk report has been submitted for consideration by the Environment Agency.

PLANS

Planning statement by SMS planning, dated January 2021

296-011-Existing & Proposed Elevations

296-010-Existing & Proposed Ground Floor Plan

Block plan

Flood Risk Assessment 5914 by AMBIENTAL environmental assessment dated 6th January 2021

Photos

As submitted on 8 January 2021

Email from agent containing marketing information 03/02/2021 at 15:39

As received on 3 February 2021

Email received from agent containing business rate information and EA registration from 2013 05/02/2021

As received on 5 February 2021

296-005-Proposed Ground Floor

As received 14 April 2021

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal context

Class M allows for Development consisting of:

(a) a change of use of a building from—

(i) a use falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order,

(ii) a use as a betting office, pay day loan shop or launderette, or

(iii) a mixed use combining use as a dwellinghouse with—

(aa) a use as a betting office, pay day loan shop or launderette, or

(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Before development can be carried out under Class M, the developer must apply for a determination as to whether prior approval is required in respect of:

(a) Transport and highways impacts of the development,

(b) Contamination risks in relation to the building,

(c) 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 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

(ii). Where the building is located in a key shopping area, on the sustainability of that shopping area, and

(e) The design or external appearance of the building,

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

And the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

In assessing these issues, officers must have regard to the NPPF as if the application were a planning application, and also have regard to the Local Development Framework (the NPPF states that due weight should be given to the adopted policies of the Local Development Framework according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given)).

Reading Borough Local Plan (2019)

CC7 Design and the Public Realm

TR3 Traffic, Access and Highway Related Matters

RL2 Scale and Location of Retail, Leisure and Culture Development

RL1 Network and Hierarchy of Centres

RL3 Vitality and Viability of Smaller Centres
EN16 Pollution and Water Resources
EN18 Flooding and Drainage

PLANNING HISTORY

App No.	Description	Outcome
920959	Demolition of existing building and re-building of a new two storey pitched roof building.	Refused
980481	3.9m x 2.4m Billboard	Refused

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was displayed between 21th January 2021 - 11th February 2021.

No representations have been received.

CONSULTATION RESPONSES

Transport - No objections

The parking permit informative is required given that the site is located within an area that has high demand for parking permits and is close to capacity. The proposal would result in an increased demand for parking and the development should therefore not be entitled to a residents parking permit and as such the following informative should be applied should the application be permitted.

There are no Transport objections to this application.

INFORMATIVES

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.

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.

Environmental Protection - No objections.

Environment Agency - A substantive response was provided that did not specify an objection.

The local authority has considered Environment agency guidelines to make a determination in respect of a risk of flooding.

APPRAISAL

Development is not permitted by new Class M in the following instances (officer comments follow in bold & italics):

- (a) The building was not used for one of the uses referred to in Class M(a)-
 - (i). On 20th March 2013, or
 - (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;
Evidence has been presented as evidence to support that the building was in use on 20th March 2013 and has been in retail use.
- (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;
No.
- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
No.
- (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;
No.
- (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;
No.
- (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
Minor partial demolition is proposed for fenestration and door amendments which is considered reasonably necessary to convert the building for use as a flat.
- (g) the building is—
 - (i) on article 2(3) land; **No.**
 - (ii) in a site of special scientific interest; **No.**
 - (iii) in a safety hazard area; **No.**
 - (iv) in a military explosives storage area; **No.**
 - (v) a listed building; or; **No.**
 - (vi) a scheduled monument; **No**

There are conditions to Class M:

- (a) Transport and highways impacts of the development,

As per the Transport observations above, no significantly adverse implications are envisaged.

(b) Contamination risks in relation to the building,

The site is not located on contaminated land.

(c) Flooding risks in relation to the building,

The site is located in Flood Zones 2 and 3 and so has a medium probability of flooding. The Environment agency provided a substantive response. Following the receipt of a Flood Risk Assessment, the Local Authority considers this satisfactory subject to a compliance condition that the development is carried out in accordance with the submitted Flood Risk Assessment.

As such, the proposal is considered acceptable in terms of flood risk.

(d) Whether it is undesirable for the building to change to a use falling within Class C3 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), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area

The site is not within the Reading Central Area, nor is it within a Primary Shopping Area or within a designated Active Frontage.

The immediate surrounding area predominately consists of residential buildings and the site is not located within the Reading Central Core Area, Primary Shopping Area or within a designated Active Frontage. Other ground floor units within the vicinity have been converted to residential accommodation from retail including No.130, 133 and 147 Caversham Road.

Given this, the loss of this retail unit is not considered to have an undesirable impact on adequate provision of services or the sustainability of the shopping centre.

(e) the design or external appearance of the building

In this instance, the proposed changes to the fenestration are considered reasonably necessary and would appear acceptable in appearance, with the frontage matching the remaining character of the terrace.

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

In this instance there is considered to be an acceptable provision of natural light in all habitable rooms.

Recommendation: **APPROVE** Prior Approval

Conditions:

1. The development shall be carried out in accordance with the details provided on the following submitted plans:
Drawing no:
Planning statement by SMS planning, dated January 2021
296-011-Existing & Proposed Elevations
Block plan
Flood Risk Assessment 5914 by AMBIENTAL environmental assessment dated 6th January 2021
As received 8 January 2021
296-005-Proposed Ground Floor
As received 14 April 2021
unless otherwise agreed in writing by the Local Planning Authority.
2. 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.
3. The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment 5914 by AMBIENTAL environmental assessment dated 6th January 2021) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 38.66 metres above Ordnance Datum (AOD).
 - Any new sewer connections should be fitted with non-return valves and must be approved by the local council.
 - Residents of the proposed ground floor dwelling should be made aware of the potential flood risk to the site and sign up to the EA Flood Warning Service.
 - In the modelled 1:100- year plus 35%CC fluvial event, prior evacuation would be required.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants in line with Policy EN18 of the Reading Borough Local Plan 2019.

Informatives

1. The proposal meets the relevant criteria set out in Class M and the proposal is not considered to have an adverse impact in relation to transport and highways matters, contamination risks on the site; external appearance, adequate daylight, provision of services or flooding risks on the site.
2. The buildings to which this prior approval relates are to be used as a dwellinghouses within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

3. 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.
4. It is likely that the works set out in this application will also require approval from the Council's Building Control office to ensure compliance with any relevant building regulations. It is therefore assumed that concerns about fire safety, means of escape, ventilation and sound insulation will be reviewed and addressed by Building Control if works proceed. Please contact Building Control on 0118 937 2449 for advice.
5. Any external works not specified on the approved plans will require separate planning permission.
6. Highways
7. Parking Permits
8. The Local Planning Authority has worked positively and proactively with the applicant to allow permission to be granted within an agreed timescale for the decision to be issued.