

DELEGATED APPLICATION REPORT

SITE ADDRESS:	1 The Triangle, Tilehurst, Reading, RG30 4RW
APPLICATION NUMBER:	211537
PROPOSAL:	Application for Change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) for a Proposed use as a 2-bedroom, 3- person flat. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class G.
TARGET DATE:	03/12/2021

Introduction

The application site comprises of 1 The Triangle, which forms part of a two-storey modernist block of commercial units. At ground floor is an existing Costa Coffee. At the first-floor is a storage and staff area for the Costa Coffee. Access to the upper floors is gained via a front entrance onto Market Place.

Proposal

Prior approval is sought under Class G, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 for the change of use of an existing Class E building to a mixed use class including a 2-bedroom 3-person flat (Class C3 dwellinghouses) in the first-floor part of the site.

Information Submitted

Application form

Developer's contact details

Drawing no. 07.22/02.1 Site and Location Plan

Drawing no. 07.22/03.1 Existing First Floor Plan

Drawing no. 07.22/04.1 Existing Ground Floor Plan

Drawing no. 07.22/04.1 Proposed First Floor GA Plan Residential

Received by the Local Planning Authority on 16th of September 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 G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class G 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 a mixed use class including Class C3 (dwellinghouses) of Schedule 1 to that Order.

Before development can be carried out under Class G, 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:

- I. contamination risks in relation to the building;
- II. flooding risks in relation to the building;
- III. impacts of noise from commercial premises on the intended occupiers of the development;
- IV. the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- V. arrangements required for the storage and management of domestic waste.

Class G 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 G is to remain in use as the mixed use of commercial and 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

None relevant.

Consultations

RBC Environmental Health - need for a noise impact assessment due to the potential for commercial and mechanical plant noise.

Publicity

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

Appraisal

The proposal comprises the change of use of the building from Class E(i) to mixed use including Class C3 (dwellinghouse) with the proposal to be considered against the criteria and conditions contained within Part 3, of Class G. (1) (a)-(d), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In addition, in order to qualify for assessment under Class G, 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 G.1.—(1)

(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;

The building has been in Class E prior to the date of the application for prior approval.

(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;

The proposal is for a mix of Class E and C3 uses.

(e) from a use as a betting office or a pay day loan shop falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order to a mixed use as a betting office or a pay day loan shop falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats.

It can be confirmed that the proposal site is in use as a Costa Coffee.

Conditions

G.1—(1) Development permitted by Class G is subject to the following conditions—

- (a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
 - (i) by a single person or by people living together as a family, or
 - (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).;
- (d) before beginning 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—
 - (i) contamination risks in relation to the building;
 - (ii) flooding risks in relation to the building;
 - (iii) impacts of noise from commercial premises on the intended occupiers of the development;
 - (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (v) arrangements required for the storage and management of domestic waste.

Assessment of G

(a) Is the business use proposed to be below the part proposed to be used as a flat?

Yes.

(b) If the proposal has a display window at the ground floor does it avoid proposing to change the use of the ground floor, or part of it, to a flat?

Yes.

(c) Could the proposal plausibly for a single family or household of not more than six living together as a single household?

Yes.

(d) Is prior approval required and acceptable for

1. Contamination risks in relation to the building?

Not required - no evidence to suggest concerns about contamination.

2. Flooding risks in relation to the building?

Not required - low risk zone.

3. Impacts of noise from commercial premises on the intended occupiers of the development?

Yes, and not provided by the applicant despite a request for a noise impact assessment.

4. The provision of adequate natural light in all habitable rooms of the dwellinghouses?

Yes, but not requested by the council prior to the requirement to determine the application. Any future application should include a light assessment.

5. Arrangements required for the storage and management of domestic waste?

Yes, and not provided by the applicant despite a request for a plan demonstrating the proposed facilities for the storage and management arrangements of domestic waste.

Conclusion

The development subject of this prior notification is considered to require PRIOR APPROVAL and as stated above does not meet the relevant conditions of Class G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), and is therefore, **refused**.

Recommendation:

Prior Approval is required and refused as the following conditions were not met:

1. A noise impact assessment was not submitted, and as such, the impact of noise from the commercial premises on the occupiers of the development cannot be determined as required under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3 Class G. 1 (d) (iii).
2. A plan indicating the arrangement for the storage and management of domestic waste was not submitted and as such condition G.1 (d) (iv) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3 Class G, has not been met.