

PLANNING STATEMENT

**Continued use of the second floor of the
property as ancillary office space in
connection with the existing Medical
Facility (Use Class D1)**

11 Kendrick Road, Reading, RG1 5DU

On Behalf of: Berkshire Health Ltd

Report Prepared By:

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1. Introduction

- 1.1 This statement is produced to support a planning application for the continued use of the second floor of the building as ancillary office space in connection with the Medical Facility (D1 Use Class) operating throughout the remainder of the building.
- 1.2 As outlined in the Statutory Declaration provided by the Managing Director of Berkshire Health Ltd, Steve Foley, the property was purchased by Berkshire Health in June 2010 from Reading University. The property was previously used as student accommodation and comprised of 3 flats and studio flat. The use of the property for residential purposes ceased at the end of the University's Summer Term in 2009, at which point the property remained vacant until its purchase by Berkshire Health Ltd in June 2010.
- 1.3 Planning permission was subsequently sought for a change of use of the property to a Medical Facility (Use Class D1), which included the use of the second floor as a 1-bedroom flat.
- 1.4 Following the granting of planning permission in November 2010, the permission was subsequently implemented to convert the entirety of the property to a Medical Facility. However, the second floor of the property was converted to office space to be used ancillary to the Medical Facility, and therefore the 1-bedroom flat proposed as part of the application was never implemented.
- 1.5 Planning permission is now sought to fully regularise this element of the building.
- 1.6 This planning statement will and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations

and the wider objectives of National and Local planning policy support the grant of permission.

1.7 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents:

- 1:1250 Site Location Plan
- Statutory Declaration for Steve Foley

1.8 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

2.1 The application site comprises a detached 3-storey Victorian property located on the eastern side of Kendrick Road. The site is located within close proximity to the University of Reading's London Road Campus (east) and approximately 0.5 miles to the south-east of the commercial heart of Reading.

2.2 The property is currently owned and operated by Reading Urology Partnership, which forms part of Berkshire Health Ltd, as a medical facility (D1 Use Class) that does not involve practical procedures.

3. Planning History

200308 – Variation of condition 2 (use of premises) of planning permission 101571/FUL, dated 16/11/10 (for the change of use from 3x flats and 1xstudio to a medical facility (Class D1) and 1x1 bed flat), namely to allow an alternative medical company to operate from the premises – Under Consideration

101571 – Change of use from 3 flats and 1 studio to D1 Medical Facility and 1 x1 bedroom flat - Approved

4. Policy Assessment

National Guidance

- 4.1 The National Planning Policy Framework (NPPF) is relevant to the consideration of the application. Some weight also needs to be given to the content of the Ministerial Statement, 'Planning for Growth', issued in March 2011.
- 4.2 The 'Golden Thread' running through the centre of guidance within the NPPF is the presumption in favour of sustainable development. Paragraph 38 of the NPPF states that "*Local planning authorities should approach decision on proposed development in a positive and creative way*" and "*at every level should seek to approve applications for sustainable development where possible*". Paragraph 117 of the NPPF comments that planning should "*make effective use of land*" in "*meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions*".
- 4.3 Paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social.

Principle of Development

- 4.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.5 Policy H7 of the Local Plan seeks to prevent the loss of existing residential accommodation and states that planning permission will not be granted for the loss of residential accommodation or land unless there are exceptional circumstances.
- 4.6 Policy CC9 also adds however that a high priority will be given to appropriate health provision within Reading, and the provision of dedicated office space

within the building to serve the medical facility is of vital importance to ensure its smooth operation.

- 4.7 As set out in the introduction section of this statement, the use of the property (both in its entirety and with regards to the second floor) for residential purposes as student accommodation has not occurred since the end of the University's Summer Term in 2009.
- 4.8 Following the granting and implementation of the 2010 planning permission to convert the property to a Medical Facility (D1), the second floor of the building has never been used for residential purposes or implemented as such in accordance with the 2010 planning permission. This is further confirmed by the submitted Statutory Declaration by Steve Foley, Managing Director for Berkshire Health Limited.
- 4.9 Furthermore, historic Council Tax records for the property, as noted on the DirectGov website¹ (service provided by the Valuation Office Agency), clearly show that Flats 1, 2 and 3, in addition to the Studio Flat, had their Council Tax Band deleted, which came into effect from 1st March 2011. No further Council Tax records are available for the property, demonstrating that Council Tax was never paid for the 1-bedroom flat proposed on the second floor.
- 4.10 In addition, records for the property from the Valuation Office Agency clearly demonstrate that Business Rates for the entirety of the property (which includes the second floor) have been paid since at least October 2011.²
- 4.11 Consequently, it is clear and unambiguous that the second floor of the property has never been used for residential purposes since the granting of planning permission; a time period which extends at least 9 years. It is therefore submitted that the granting of planning permission in this instance

¹ <http://cti.voa.gov.uk/cti/InitS.asp?lcn=0>

² <https://www.tax.service.gov.uk/business-rates-find/summary/17019457000?uarn=8133042000>

would not, from both a rational and technical perspective, result in the loss of a residential unit, given the second floor of the property has not been used for residential purposes since the Summer of 2009.

- 4.12 It is further noteworthy that no restrictive conditions were attached to the 2010 planning decision which either required the second-floor residential unit to be implemented (or indeed retained), nor prevented the entirety of the building being covered to a D1 use.
- 4.13 In this instance, it is not overly evident or unambiguous as to whether a breach of planning control has in fact occurred, given the ambiguity surrounding the conditions attached to the 2010 planning permission, and it is therefore unclear as to what if any enforcement action could be taken in this instance.
- 4.14 Notwithstanding this however, given that evidence submitted in support of this application and the fact that the second floor of the property has not been in residential use since the Summer of 2009, it is not considered that it would be expedient for the Local Planning Authority to take enforcement action in any case which, as outlined in paragraph 58 of the NPPF, is discretionary and states that local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 4.15 To summarise, it is considered in this instance that the continued use of the second floor of the property as ancillary office space used in connection with the property's wider use as a Medical Facility (D1 Use Class) is acceptable in principle, which further allows for the efficient operation of the medical facility in perpetuity.

Character and Appearance of the Area

- 4.16 The continued use of the second floor of the building has not involved any external alterations to the property, thereby ensuring the character of the wider locality has remained unaffected.

Transport and Parking

- 4.17 The use of the second floor as office space ancillary to the medical facility (D1 Use Class) has not necessitated an increased level of on-site parking provision relative to its approved use as a 1-bedroom flat (C3), in accordance with the Council's Parking Standards and Design Supplementary Planning Document (SPD).

Community Infrastructure Levy

- 4.18 The proposed development is not CIL liable. The relevant forms have been completed and submitted with the application.

5. Conclusion

- 5.1 This statement has demonstrated that the continued use of the second floor of the property as office space (ancillary to the Medical Facility) is acceptable in principle with the 'technical' loss of a single residential unit justified in this instance.
- 5.2 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.