

DELEGATED APPLICATION REPORT

SITE ADDRESS: 16 Hemdean Road
APPLICATION NUMBER: 181376/RPA
PROPOSAL: Change of use of ground floor and basement of building from Class A1 (shops) to Class C3 (dwellinghouses) to comprise one dwelling and associated works. Prior Notification under Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
EXPIRY DATE: 01/10/18

INTRODUCTION

The application site is a two-storey building (with a basement and accommodation within the roofscape) located on the corner of Hemdean Road and Priest Hill. It is evident from the most recent planning history (see site history section below) that the lower floors of the building are lawfully in A1 shop use, while the upper floors are in residential use.

The site is not located within a designated district or local centre, nor comprises a listed building or within a conservation area. It is in Flood Zone 1 and not within an air quality management area or be known to include contaminated land.

The surrounding area is predominantly residential in nature, to the north of Caversham District Centre.

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 ground floor and basement of building from Class A1 (shops) to Class C3 (dwellinghouses) to comprise one dwelling and associated works. The associated works comprise:

- Replacing the Hemdean Road shopfront windows with bi-folding sliding doors;
- Provide a new door to the proposed courtyard area;
- Erect a bin/cycle storage enclosure within this courtyard area;

- Remove the existing external basement steps within the proposed courtyard area (steps will be included internally instead);
- Provide a new window next to the door to the porch area on the Priest Hill elevation;
- Demolish a small single storey toilet on the rear (south-west) elevation, create a new door and change a window to a door to enable a small patio area to be created at this point.

PLANNING HISTORY

890629 - Extension to existing offices. Refused 21/03/89.

890176 - Two storey extension to existing offices. Refused 14/08/89.

940199 - Conversion of flat and office to two flats. Granted 19/08/94.

950150 - Proposed alterations to existing flat above existing shop including installation of two dormer windows on front elevation. Granted 24/11/95.

021435 - Change of use of ground floor from shop unit to dwelling, including alterations to facade. Granted 16/09/02.

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal context

Class M allows for Development consisting of:

Change of use of a building from—

- (a) (i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order; to a use within Class C3 (dwellinghouses), and
- (b) Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of the 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 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

- (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,

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 LDF Core Strategy - Adopted January 2008 (Altered 2015)

CS7 Design and the Public Realm

CS24 Car / cycle parking

CS25 Scale and Location of Retail, Leisure and Culture Development

CS26 Hierarchy of Centres

CS27 Maintaining the Retail Character of Centres

CS34 Pollution and Water Resources

CS35 Flooding

Sites and Detailed Policies Document - Adopted October 2012

DM12 Access, Traffic and Highway Related Matters

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

A site notice was erected on 15/08/2018, expiring on 05/09/18.

One comment has been received from Caversham and District Residents Association (CADRA), as follows:

It is proposed to change the shopfront glazing facing Hemdean Rd to full height opening bi fold doors. These seem an odd design choice giving that these windows look out directly onto the pavement and a busy road. Such windows would suit better the previous café use.

Since the closure of the café, the hardstanding in front of this window is used from time to time as an informal parking space. The plans propose to regularise this use. The use of this hardstanding on the corner of Priest Hill and Hemdean Rd for parking is unsatisfactory visually and entry and egress are a potential hazard to pedestrians and turning traffic. Our view is that this hardstanding area would be better reclaimed as garden /green area (fenced or walled) given the change to residential use on this corner with high pedestrian use.

CONSULTATION RESPONSES

Transport: This A1 shop unit is located at the corner of Hemdean Road and Priest Hill. There are parking restrictions surrounding the site consisting of double yellow lines and the operation of a residents parking permit scheme.

Site photographs indicated that there is no formal parking provision or vehicular access on the site, although submitted plans illustrate 1 x off road parking provision on an area of hard standing fronting Hemdean Road. Therefore an illegal manoeuvre would be undertaken over the public footway to access it. Given the close proximity of the junction Transport would not support the introduction of a new access. A car free development would be acceptable in this instance given the close proximity to the town centre and the on street parking restrictions in place.

Shared user bays are located on Priest Hill whereby non-permit holders are permitted to park for a maximum of 2 hours during prescribed times, at all other times it is for holders of residential parking permits.

The change of use of the ground floor and basement to a one bedroom flat is unlikely to increase vehicular trips, and the demand for short stay on street parking should be reduced.

The development site is located in close proximity to a Residents Parking Permit Area; if this application is approved there should be an assumption that any future occupants of the proposed dwelling will not be issued with a resident parking permit. This is to ensure that the development does not harm the existing amenities of the neighbouring residential properties.

Cycle storage has been proposed and illustrated on plans and is deemed acceptable for this development.

Bin storage details have been submitted with this application. Bin storage should comply with Manual for Street and British Standard 5906: 2005 for Waste Management in buildings to avoid the stationing of service vehicles on the carriageway for excessive periods.

In principle there are no transport objections to the proposal given that it is likely to generate fewer trips to the existing use.

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: Confirmed no comments on this application.

APPRAISAL

Development is not permitted by 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;

The building was in A1 (shop) use on 20th March 2013.

- (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; based on the plans submitted it is confirmed that the relevant floorspace is below 150sqm.**

- (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; in-fact there would be a reduction with the demolition of the toilet.**

(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

Partial demolition is proposed to enable improved access to an external area and improved access to outlook, daylight/sunlight within the proposed kitchen area. This is considered reasonably necessary and acceptable in this specific instance.

(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; **No;** or
- (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, subject to informatives relating to highways works and parking permits.

In addition, it is also considered necessary to include an informative acknowledging that submitted plans illustrate 1 x off road parking space on an area of hard standing fronting Hemdean Road. However, owing to there being no formal parking provision or vehicular access on the site (and parking restrictions surrounding the site consist of double yellow lines and the operation of a residents parking permit scheme), an illegal manoeuvre would be undertaken over the public footway to access it. Given the close proximity of the junction Transport would not support the introduction of a new access and no off-street parking is approved as part of this application (as this is outside of the scope of this prior notification application).

- (b) Contamination risks in relation to the building,

The site is not located within an area of potential contamination. Environmental Protection colleagues raise no concerns.

- (c) Flooding risks in relation to the building,

The site is located within flood zone 1. No flooding risks are anticipated on this basis.

- (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) 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

The site is not within a designated key shopping area and the agent considers that the site is perpendicular to Caversham High Street and off the main thoroughfare. Since there are already several café/shops on the high street, the loss of Siblings (in use at the site from January 2015 to June 2017) is unlikely to have negatively impacted the sustainability of the key shopping area in any way.

Officers concur that there are not considered to be strong economic reasons to resist the proposals in this instance.

- (e) the design or external appearance of the building

In short, the proposed external changes (as listed in the proposals section above) are not considered to result in any significant harm to the external appearance of the building or wider terraced. Although the provision of bi-fold doors on the Hemdean Road frontage is acknowledged to be somewhat unusual in itself, within the context of the existing shopfront and

anticipated internal layout of the unit, it is on balance considered to be appropriate. All such works are evidently building operations which are considered to be reasonably necessary to convert this part of the building to residential use.

Recommendation:

GRANT Prior Approval

Conditions:

1. 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.
2. The following plans and drawings have been assessed:

240-A1-01 Existing (location plan, block plan, elevations and floor plans)

A1-06 Proposal 5 (proposed location plan, block plan, elevations and floor plans)

As received 06/08/2018

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives

1. The building to which this prior approval relates is to be used as a dwellinghouse 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.
2. 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.

3. 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.
4. It is acknowledged that the submitted plans illustrate 1 x off road parking space on an area of hard standing fronting Hemdean Road. However, owing to there being no formal parking provision or vehicular access on the site (and parking restrictions surrounding the site consist of double yellow lines and the operation of a residents parking permit scheme), an unsafe manoeuvre would be undertaken over the public footway to access it. Given the close proximity of the junction, the Highway Authority would not support the introduction of a new access onto the Classified Road (via the required planning application) and no off-street parking is approved as part of this application (as this is outside of the scope of this prior notification application).
5.
 - 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.
6. The occupiers of the residential unit 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.

7. The Local Planning Authority has worked positively and proactively with the applicant to allow permission to be granted within the prescribed target timescale for the decision to be issued.