

TOWN AND COUNTRY PLANNING ACT 1990

**THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

To: Mr Mohammed Abid Mirza
72 Newport Road
Reading
RG1 8EA

Application No: 152312
Application type: Office Prior Approval -
Class O, Part 3, GPDO 2015

**APPLICATION FOR PRIOR APPROVAL
UNDER CLASS O, PART 3 OF SCHEDULE 2 TO THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**

Applicant: Mr Mohammed Abid Mirza

READING BOROUGH COUNCIL as Local Planning Authority give notice that the prior approval of the Local Planning Authority is **REFUSED** for the following development.

Proposal: Change of use from Class B1(a)(Offices)to C3 (dwelling houses) to create one flat. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)Order 2015

At: McIlroys Building (Management Suite) 18 Oxford Road Reading RG1 7LA

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 18 February 2016



Head of Planning, Development
& Regulatory Services *J.B.M.*

Application At: McIlroys Building (Management Suite) 18 Oxford Road Reading RG1 7LA

Application No: 152312

Application type: Office Prior Approval - Class O, Part 3, GPDO 2015

REASONS FOR REFUSAL

1. The applicant has failed to sufficiently demonstrate that the part of the building subject to this Prior Approval application was most recently (prior to 29th May 2013) in use for a use falling within Class B1a (Office) of the Schedule to the Use Classes Order. The lawful planning use of this part of the building is considered to be ancillary Class C3 accommodation (sub-station, cycle storage and waste storage associated with the residential units) on the basis of planning permission 03-01496/FUL granted on 15/03/2004 and amendments to the internal layout of the space approved by letter on 26/01/2005 (following the submission of details received on 13/01/2005). Condition 7 of planning permission 03-01496/FUL details that the waste/cycle facilities shall be permanently retained. No planning application has been submitted and approved to change the use of this part of the building to Class B1A since this point in time. The sole information submitted in support of the existing use is that the space was used as an admin office to manage 59 apartments. As such, given the conflicting evidence, it is considered that the applicant has failed to sufficiently demonstrate the existing / most recent use of the building as B1a (Office). The proposal therefore does not meet criteria (b) set out in paragraph O.1; Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Prior Approval is refused.

INFORMATIVES

1. Should the applicant wish to submit a further office prior approval application, it is considered that evidence should be provided to demonstrate the most recent use of the part of the building being in Class B1a (office use). The level of evidence should be similar to that submitted for a certificate of lawfulness application (e.g. statutory declarations / photographs / utility bills etc). Further advice can be sought/received from the local planning authority through the submission of a pre-application enquiry.

2. The following plans and documents have been assessed (as received on 24/12/15):

Site Location Plan

Existing Plan, dated 23/12/15

Proposed Plan - Lower Level, dated 23/12/15

Proposed Plan - Mezzanine Level, dated 23/12/15

2x unnamed & unnumbered floor plans and 2x unnamed & unnumbered elevation plans

Application form dated 23/12/15



Date: 18 February 2016

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& Regulatory Services *J.B.M.*

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse Prior Approval for the proposed development, then you can appeal to the Secretary of State under section 78 (1)(c) of the Town and Country Planning Act 1990 within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at www.planningportal.gov.uk/pcs.