

DELEGATED PLANNING APPLICATION REPORT

Ward: Katesgrove

App Ref: 240351/EPA

Address: 87 Southampton Street, Reading, RG1 2QU

Proposals: Change of use of 2nd floor from Class E (offices) to C3 (dwelling houses) to comprise 1 flat. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Case Officer: Marcie Rejwerska

Date received (valid from): 20 March 2024 Target Decision date: 21 June 2024 (ext.)

1. SITE DESCRIPTION

The application site comprises a detached three-storey dwelling set back from the east side of Southampton Street, in between and behind 85 and 89 Southampton Street. The ground and first floors are occupied by offices and the second floor is an unoccupied office. The surrounding area is a mix of residential and commercial office uses. The application site is not listed nor in a conservation area, while it is noted that there are properties on the other side of the road which are listed.



The application site as seen from Southampton Street. No. 87 Southampton Street is accessed by a footpath between nos. 85 and 89 Southampton Street.

2. PROPOSAL AND SUPPORTING INFORMATION

Change of use of 2nd floor from Class E (offices) to C3 (dwelling houses) to comprise 1 flat. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Proposed floor plans have been submitted for this application, which indicate that the entire second floor will be converted to residential use, to create a 2-bedroom flat, with a gross internal area of 76.8m².

Plans considered:

Planning Statement, dated March 2024
A-1000 Rev A - Site Location Plan & Block Plan
A-13-012 Proposed Second Floor Plan
A-12-011 Existing and Proposed Elevations
A-12-010 Existing and Proposed Elevations
A-11-010 Existing and Proposed Sections
A-10-012 Existing Second Floor Plan
A-10-011 Existing and Proposed First Floor Plan
A-10-010 Existing and Proposed Ground Floor Plan
Scheme Performance, Sunlight Assessments UK
Noise Assessment, Infinity Acoustics, dated February 2024

Received by the LPA on 20 March 2024

Part O Overheating Assessment, Compliant EPC, dated 12 June 2024

Received by the LPA on 13 June 2024

3. RELEVANT PLANNING HISTORY

87 Southampton Street

091751 - Erection of a pair of gates in entrance - Application permitted on 02/10/2009.

220204 - Additional storey to provide 1 x 2-bed residential unit above the second floor. Prior Notification under Class AA, Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (Amended Description). - Prior approval given on 14/04/2022 but not implemented

221943 - Change of use from Class E (offices) to C3 (dwelling houses) to comprise 3 Residential Flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. - Prior approval refused on 14/02/2023 due to the following reasons:

- Failure to meet criteria Class MA.2.(2) (f) (provision of adequate natural light)
- Failure to meet criteria Class MA.2.(2) (d) (Impacts of noise from commercial premises on the intended occupiers of the development)
- Failure to demonstrate that the building subject to this Prior Approval application was vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

89 Southampton Street

140855 - 3 x new proposed side windows - Application permitted on 30/07/2014

85 Southampton Street

151145 - Change of use of building from Class B1 (offices) to C3 (dwellinghouses) to comprise of 6 x 1 bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. - Prior approval given on 24/08/2015

9 Upper Crown Street

211614 - Demolition of existing buildings and structures, associated reuse of frame with basement level used for car parking & servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations & associated works to rear of indigo apartments to facilitate pedestrian access. - Application refused on 20/06/2022 and dismissed at appeal ref. APP/E0345/W/22/3313234

230814 - Demolition of existing buildings and structures, associated re-use of frame with basement level used for car parking and servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations and associated works to rear of Indigo apartments to facilitate pedestrian access. - Permitted at Committee subject to completed legal agreement on 29/05/2024.

4. CONSULTATIONS

RBC Transport Development Control - The application site is situated to the rear of 85 and 89 Southampton Street. The ground and first floor levels are currently occupied offices and the second floor is currently an unoccupied office. This application seeks a change of use for the 2nd floor to 1 x 2 bedroom flat.

Southampton Street (A327) is a one way (South to North) main transport corridor and is located within Zone 2, the primary core area but on the periphery of Zone 1, the central core area, which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. The site is within walking distance to the Oracle shopping centre, multi storey car parks, the town centre and Reading main train station are all easily accessible by public transport or by foot.

Southampton Street and the surrounding road network all have extensive parking restrictions preventing unauthorised on-street parking, including the operation of the Councils Residential Parking Permit Scheme that operates in the surrounding streets.

In accordance with the Councils current standards the development would require 1 parking space for the proposed unit. The application proposes a car free development. Given the extensive parking restrictions in operation in the area and the proximity to the town centre and local amenities, a car free development could be considered in this instance.

If this application is approved there should be an assumption that any future occupants of the proposed unit will not be issued with a resident or visitor parking permit, this will ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

Cycle storage should be provided in accordance with the Councils current parking standards, however under GPD we would not comment on this.

The applicant should ensure that the refuse storage provisions comply with the Council's Waste Management Guidance which is available to view online. Bins must not be stored on any part of the public footway.

It is considered that the proposed change of use will have a negligible impact in terms of Transport, therefore in principle, there are no Transport objections.

RBC Environmental Protection - Overheating assessment requested as suggested in the submitted noise assessment. Overheating assessment recommendations are acceptable subject to implementation.

5. LEGAL AND PLANNING POLICY CONTEXT

The application has been submitted to determine whether prior approval is required in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class MA 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 Class C3 (dwellinghouses) of Schedule 1 to that Order.

Before development can be carried out under Class MA, the developer must submit a Prior Notification to determine if 'Prior Approval' of the Local Planning Authority is required in respect of a number of matters as set out in the 'matters requiring prior approval' section below ((a) to (i)).

Class MA 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 MA is to remain in use as a 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).

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

APPRAISAL

The proposal comprises the change of use of the second floor of the building from Class E(a) to 1x 2-bedroom Class C3 (dwellinghouse) unit. The proposal is to be considered against the criteria and conditions contained within Part 3, of Class MA.1. (1) (a)-(g), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In addition, in order to qualify for assessment under Class MA, 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. It can be confirmed that the proposed unit complies with these minimum space standards as illustrated in the accompanying plan.

Criteria MA.1.-(1)

~~(a) Vacancy qualification - "unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;~~

Removed under GPDO Amendment 2024 No.141

(b) Previous use qualification - "unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;"

It can be confirmed that the building for which this application relates fell within one or more of the classes specified in subparagraph (2), in this case (iv) Class B1 (business), for a continuous period of at least 2 years prior to the date of the application for prior approval.

~~(c) Floorspace qualification - "if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;"~~

Removed under GPDO Amendment 2024 No.141

(d) Land designation criteria - "If land covered by, or within the curtilage of, the building -

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;"

The site does not form part of any of the above (i) to (v).

(e) Landscape designation criteria - "if the building is within—

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;"

The building is not within any such area.

(f) Agricultural tenancy criteria - "If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;"

It can be confirmed the site is not occupied under an agricultural tenancy.

(g) Previous use criteria - "before 1 August 2022, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

It can be confirmed that the site has not been subject to development of a description falling within a Class of this part immediately before 1st August 2021, nor would such development be prevented under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Conditions

MA.2.—(1) Confirms that development under Class MA is permitted subject to the condition that before beginning the 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 the various standards detailed within the legal context section above. Each is considered below:

The matters requiring prior approval:

(a) Transport impacts of the development, particularly to ensure safe site access

The Council's Transport Team raise no objection to prior approval being given as the change of use is not considered to have a material increase or a material change in the character of traffic in the vicinity of the site (as required by paragraph W(5)(a)).

Paragraph W(13) of the GDPO provides that 'The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval'. Conditions relating to car park permits have been recommended and are considered relevant to this prior approval as they relate to transport impacts of the development.

(b) Contamination risks in relation to the building

No groundworks are required as part of the change of use. As such the proposal is considered to be acceptable in terms of contamination risks to the building.

(c) Flooding risks in relation to the building

The site is not located within Flood Zones 2 or 3 and as such the proposals are acceptable in flood risk terms.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

The submitted noise assessment identifies mitigation measures to protect the amenity of future occupiers.

(e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

Not applicable as the proposal site is not within a Conservation Area.

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

The submitted sunlight and daylight assessment concludes that access to daylight and sunlight to the internal habitable rooms of the proposed flat all comply with the BRE (BR209 2022) guidance.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The site is not within a designated core employment area or located in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.

The development does not result in the loss of services provided by a registered nursery, or health centre maintained under the relevant sections.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

A Fire Statement would be required if the development involves the development of an existing 'relevant building'. This criterion applies to a building which satisfies the height condition in paragraph (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and contains— (a) two or more dwellings; or (b) educational accommodation. Paragraph (3) states the height condition is that— (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys. The development does not meet the fire risk condition.

Conclusion

The development subject of this prior notification is considered to meet the relevant criteria of Class MA of the GPDO. In considering the relevant conditions pursuant to the Prior Approval of this application, the proposal will not give rise to any transport impacts, contamination risks, flooding risk, nor would it experience adverse noise impacts from adjacent business premises. It is considered that adequate natural light would be provided in the habitable rooms. The development will not introduce a residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, and finally does not result in the loss of a designated service or fails the fire risk condition. Accordingly it is considered that prior approval of the Local Authority is required and given thereby permitting the development by virtue of Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

RECOMMENDATION

Prior Approval is required and GIVEN

Subject to the following conditions:

1. This development under Class MA is permitted subject to it being completed within a period of 3 years starting with the prior approval date on this decision notice.

REASON: To comply with the requirement of paragraph MA.2.-(5) of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Informatives:

1. The proposal meets the relevant criteria set out in Class MA.
2. The applicant is advised that this decision represents the determination of the Local Planning Authority in respect of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as to whether Prior Approval is required in respect of the change of use only. Class MA does NOT afford any permitted development rights for external works which affect the exterior of the building in order to implement the change of use.
3. 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.
3. 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.
4. 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.