

DELEGATED PLANNING APPLICATION REPORT

App Ref: 240402/EPA

Address: Archway House, Gosbrook Road, Caversham, Reading, RG4 8HU

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

Case Officer: Sian Hickey

Date received (valid from): 28 March 2024 **Agreed decision date:** 11 June 2024

Introduction

The application site is Archway House which is a four-story commercial building located on Gosbrook Road. The site is within an area of mixed use. Within the immediate surrounding of the site are residential and commercial properties of different designs and styles. The site is not within flood zone two or contaminated. The Building is not listed and does not fall within a conservation area.

Proposal

The application is for the change of use of the ground floor of the building to comprise of 3x self-contained residential flats (C3).

Plans considered:

Proposed Elevation Plans received 28th March 2024

Drawing No. 9246 rev 2- Existing and proposed floor plans received 30th May 2024

Drawing No. 9246-01 - Location Plan received 11th June 2024

Planning History

110997 - Two fascia signs on the external front and back wall above the archway entrance (non illuminated) - Permitted 15/ 4/2011

111067 - Change of use of second floor from Office (A2) to Chiropractic Practice (D1) - Cannot Entertain Cert under Article 11 - 8/ 2/2011

111132 - Change of use of second floor office from Office (B1) to Chiropractic Practice (D1) - Permitted 30/ 3/2011

171028 - Change of use of ground floor of Archway House (east) from A1 to D1 use - Permitted 26/ 9/2017

171145 - Internal and external alterations to the existing building - Permitted 26/9/2017

220006 - Change of use from Class E (offices and chiropractor) to C3 (dwelling houses) to comprise 4 apartments. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Permitted 1/3/2022

231003 - Conversion of the office to a self-contained flat - To be determined

231618 - Change of use of Building from Class E (offices and chiropractor) to C3 (dwelling houses) to comprise 4 apartments. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 without complying with condition 2 of planning permission 220006 - Permitted 9/5/2024

Consultations

Transport - The proposed development will provide a change of use from Class E use on the ground floor to 3 x 1 bedroom residential apartments (Use Class C3).

The site is located in Zone 2, Primary Core Area and lies in the centre of Caversham and is in a highly sustainable location in terms of proximity to local services, transport links. The site is located on Archway Road, which connects to a private car park associated with St Martin's Centre. Parking controls are in place within the private car park for short stay parking only.

Gosbrook Road and the surrounding highway network all have parking restrictions preventing on-street parking including the operation of the Councils Residential Parking Permit Scheme.

In accordance with The Council's Parking Standards and Design SPD a 1 and 2 bedroom flat would require 1 off street parking space each. The submitted planning statement confirms that the site will operate as car-free, and that no allocated parking will be provided for residents. Given the extensive parking restrictions in place preventing unauthorised on-street parking and proximity to the town centre, train station and good transport links, a car free development can be accepted in this instance.

The applicant should be made aware that future occupants of the units would not be eligible to apply for a resident or visitor parking permits and the appropriate conditions and an informative should be applied preventing future occupants applying for permits.

Cycle storage should be provided in accordance with the Council's 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.

In principle Transport do not have any objections to prior approval being given as the change of use would not have a material impact on the character of the traffic in the vicinity of the site subject to the attached conditions and informatives.

Environmental Protection - No objections

A site notice was sent to the agent to display at the application site for a period of 21 days.

One response has been received to the public consultation from CADRA.

Caversham and District Residents Association - Whilst the Caversham and District Residents Association (CADRA) welcomes the conversion of unused office space for homes, where appropriate, and we supported application 231678 to convert the upper floors of Archway House to apartments, we have serious concerns about this application. Archway House lies at one of Caversham's busiest junctions where Gosbrook Road, Prospect Street, Church Street and Archway Road all meet. Archway Road provides access to the Caversham Precinct carparks and its retail loading facilities. This area is likely to be subject to high levels of

noise and pollution for long periods of the day and night. Consequently, the views from these apartments would often be of large and small vehicles stopping and starting. There would be little privacy, something exacerbated by the apartments being very small. For these reasons we consider that such homes would provide poor and unacceptable living conditions.

We support the comments by RBC's Transport Officer that 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. This is an important issue in this busy area and an existing problem throughout the Caversham retail area. If the Council is minded to approve the application it should only be with this matter being satisfactorily resolved.

CADRA objects this application.

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 the following matters:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (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;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (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; and
- (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 the impact on the local provision of the type of services lost.

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

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 whole of the ground floor of the property from Class E to 3x Class C3 (dwellinghouse) units. 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. 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 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;~~

(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;"

The ground floor units of the building for which this application relates fell within one or more of the classes specified in subparagraph (2), in this case (i) Class E (offices), 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;"~~

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

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- (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 a site of special scientific interest, listed building nor land within its curtilage, a Scheduled monument or land within its curtilage, safety hazard area, nor military explosive storage area.

(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;”

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.**

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:

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

The change of use is not considered to have a material increase or a material impact in the character of traffic in the vicinity of the site (as required by paragraph W(5)(a) given the scale of the development, the location and extensive parking restrictions in the area.

(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 Council's Environmental Health Team have reviewed the submission and conclude that the proposal is acceptable from a noise point of view. No conditions are required in this regard.

(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 agent has submitted a daylighting analysis. The results of this investigation indicate that the habitable spaces meet the recommended minimum area (50%) for the target DF levels, therefore, the flats are considered to be adequately daylit according to the BRE 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 these applications, the proposals 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 developments 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

GRANT

Prior Approval is required and GIVEN.

Conditions:

Time limit

Approved plans

Parking permits

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. The occupiers of the residential units will not be entitled to an on- street car parking Permit. The parking permit conditions above place a requirement that the Council be notified of postal addresses of the residential units before occupation and that the occupiers/transferees to be informed of the prohibition on entitlement to a car parking permit. 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.