

DELEGATED APPLICATION REPORT

Ward: Tilehurst

Address: Elizabeth House, 20 School Road, Tilehurst, Reading, RG31 5AL

App Ref: PL/24/0648 Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses

Proposal: Change of use of 1st and 2nd floors from Class E (offices) to C3 (dwelling houses) to comprise 6 X 1 and 2-bed flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

App Ref: : PL/24/0645 Full planning permission

Proposal: The proposal External Alterations to rear and side elevation

Applicant: AW Davis Properties Ltd

Extended Target Decision date: 30/08/2024

Case Officer: Nathalie Weekes

Site Description

The site comprises retail uses at ground floor level, with offices on the first and second floors. There is separate access from ground floor level to the first and second floor. The surrounding area comprises a mixture of residential and retail/commercial uses. There is an existing first floor C3 residential flat that was permitted as part of the original development. A block of 8 flats at Elizabeth Court is to the rear of the development.

The site is not within a flood zone. It is not a listed building and is not located within a conservation area.

Proposal - App Ref: PL/24/0648 Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses

The site achieved planning approval under application ref 131799 (approved in 2014) for Class J Part 3, GDPO (2013 amendment) prior approval for 7 flats which has elapsed and the first and second floors are still in use as offices. The new application seeks a renewal of the change of use of the first and second floors in accordance with the updated class MA Part 3, Schedule 2 GPDO (2015 amendment) prior approval requirements for a Change of use of 1st and 2nd floors from Class E (offices) to C3 (dwelling houses) to comprise 6 X 1 and 2-bed flats.

The application is accompanied by a FUL application 240645 for External Alterations to rear and side elevation in conjunction with Prior Approval Class E to C3 change of use.

Plans

RMV/13.443/01c Planning statement, K4 Architecture

13.443.P.110 Rev A Existing Ground and first floor plans

13.443.P.001 Rev A Site plans & Location plan

13.443.P.100 Rev A Proposed ground and first floor plan

13.443.P.101 Proposed second and third floor plan

As received 20/05/2024

Site history

131799/OPA Change of use of first and second floors from Class B1(a) offices to C3 (Dwellinghouses) to comprise 7 residential flats. Permitted 11/02/2014

240645 External Alterations to rear and side elevation in conjunction with Prior Approval Class E to C3 change of use. Under consideration

Consultations

- Environmental Protection Consultations – there were no objections. In line with previous feedback given in 2014, an informative is recommended to advise that there may be the potential for contamination at the site.
- Transport Development Control – there were no objections.

A site notice was displayed at the site for the requisite period. No letters of representation have been received.

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;
 - (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.

(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 first and second floor offices of the property from Class E to 6x one and two bedroom 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). The ground floor has been occupied by Class A1 shops will remain as Class E retail shop units.

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 first and second 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 —

- (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.

Although planning permission for part J had been granted no change in use had taken place. 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.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Previous uses of the first and second floor offices had been in use as Class B1a and subsequently as Class E offices. The second floor office is currently vacant and continues to be marketed, whilst the first floor is on a short term let.

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 application site lies within Tilehurst District Centre and is in a highly sustainable location in terms of proximity to local services and transport links to Reading town centre. The C402 School Road has parking restrictions preventing on-street parking and forms part of the Red Route 'no stopping' corridor. There is a Council owned public car park located opposite the site and charges apply between 6am to 6pm Monday to Saturday.

Local parking standards are set out in the RBC, Revised Parking Standards and Design Supplementary Planning Document (SPD) which takes into account the accessibility of the site. The site is located in Zone 3, Secondary Core Area and the parking requirement in this zone is 1 space per 1-2 bedroom dwelling.

It is stated that there are currently 26 parking spaces onsite, 9 of which are allocated to Elizabeth Court to the rear of Elizabeth House. The retained retail use on the ground floor is also to have its 4 spaces retained resulting in 13 spaces remaining for the proposed residential units.

The NPPF states that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The proposal is to be provided with a car parking provision in accordance with the Councils Parking Standards and Design SPD. In view of this, there are no highway grounds to object to this application.

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 access and existing parking provision.

- (b) Contamination risks in relation to the building

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

However, due to the location of the adjacent petrol station and car garage at 12-14 School Road which is adjacent to Elizabeth House which have the ability to have caused contaminated land. Contamination can create risks to human health, property and the wider environment, including long term limitations on the use of soils.

The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action. In the event that contamination is found at any time when carrying out the approved development not previously identified, development should be halted on that part of the site and it should be reported in writing to the Council's Environmental Protection team.

A potential contaminated land informative is advised.

(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 ground floor retail units are not considered to result in noise disturbance. No conditions are required in this regard. An informative is recommended for the sound insulation of the building due to the conversion from offices into residential units.

To minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E.

(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.

No daylight analysis has been submitted. The first floor is considered to have adequate provision of daylight with all habitable rooms served by a window. Bedrooms to the two flats proposed to the second floor would have access to daylight from rooflights with living and kitchen areas served by windows. Officers have visited the site and been inside the building and consider that daylight provision to all habitable rooms would be adequate.

(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. It is noted that the domiciliary care provider company 'Home Instead' is renting an office within the building to manage their local private care provision, with other offices located around England. No care services are conducted in the building, as such the relocation of the office to another site should not substantially impact the company, whose carers should still be able to service their clients. The change of use is not considered to detrimentally impact the type of local provision or 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.

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.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021

The application is not being made before 1 August 2021.

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

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. Due to the location of the adjacent petrol station and car garage at 12-14 School Road which is adjacent to Elizabeth House which have the ability to have caused contaminated land. Contamination can create risks to human health, property and the wider environment, including long term limitations on the use of soils.

The developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action. In the event that contamination is found at any time when carrying out the approved development not previously identified, development should be halted on that part of the site and it should be reported in writing to the Council's Environmental Protection team.
4. To minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E.
5. Building control
6. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.

App Ref: : PL/24/0645 Full planning permission

Proposal: The proposal External Alterations to rear and side elevation

PROPOSAL AND SUPPORTING INFORMATION

The proposal consists of external alterations to rear and side elevation in conjunction with Prior Approval Class E to C3 change of use at the first and second floor level. Different windows are proposed to be set into the rear roof to replace the existing roof lights, with an additional roof light window in the side of the middle turret roof. The proposed design replicated the design of the existing second storey rear window.

Site visit

The case officer visited the property on 14 August 2024.

Front of building



Rear of building



Existing roofline



Plans and documents considered

13.443.P.002 Rev C Site plans

13.443.P.102 Rev B Proposed second and third floor

13.443.P.111 Rev A Existing second and third floor

13.443.P.210 Rev A Existing elevations

13.443.P.200 Rev F Proposed elevations

CIL

As received 05/07/2024

Relevant planning history

131799/OPA Change of use of first and second floors from Class B1(a) offices to C3 (Dwellinghouses) to comprise 7 residential flats. Permitted 11/02/2014

240648 Change of use of 1st and 2nd floors from Class E (offices) to C3 (dwelling houses) to comprise 6 X 1 and 2-bed flats. Prior Notification under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Under consideration

CONSULTATIONS

A site notice was displayed at the site for the requisite period. No Letters of representation have been received as follows:

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.

LEGAL AND PLANNING POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Reading relevant to the application site comprises the Reading Local Plan (2019).

The '*National Planning Policy framework*' ("NPPF") 2021 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Reading Borough Local Plan (2019) 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). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2023;

National Planning Policy Guidance;

Reading Borough Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development

CC2: Sustainable Design and Construction

CC7: Design and the Public Realm

CC8: Safeguarding Amenity

APPRAISAL

a) Design and impact on the street scene

No works are proposed to the front elevation. As such, there is not considered a strong resistance to the proposal in design terms and the changes to fenestration would have limited visibility in the street scene due to being situated at the side and rear of the site, only visible at an angle on the side roof of the existing middle turret from the access into the rear car park. Larger windows in the roof at the rear are proposed to replace the existing rooflight windows to provide additional light for the proposed conversion from office to C3 residential as proposed in application 240648, which are not significantly out of keeping with the design of other windows on the upper levels of the building.

As such, when assessed in relation to the existing context, on balance the proposal is considered acceptable would not be likely to result in significant adverse harm to future occupants or to the visual amenities of the surrounding area to the rear of Elizabeth House and from adjoining commercial outbuildings and the rear car park. Due to the small scale development, the proposed design is considered acceptable in this instance and is in line with Policy CC7 of the Reading Borough Local Plan (2019). Materials should match the colour and texture of existing windows in the building, a condition is recommended for materials to match.

b) Impact on amenity

The proposed roof windows are proposed to replace existing windows and would have a limited impact on neighbouring amenity or increase in overlooking and is not considered to warrant a reason for refusal. There are flats at Elizabeth Court to the rear, which are over 32 meters away from the rear of the building. The proposed rooflight in the tower is also considered acceptable. It is not considered that the impact would be significantly worse than the existing situation. As such, the proposal is considered in line with Policy CC8 of the Reading Borough Local Plan.

Conclusion

The proposal for revisions to the windows is considered acceptable and to comply with Reading planning policies as outlined above.

1. RECOMMENDATION

Approve with Conditions

Time Limit

Approved plans

Materials to match

Informatives:

Terms

P&P