

CASE OFFICER'S (GEK) REPORT ON APPLICATION NUMBER 24/00024/PACOU



**Site: 6A Victoria Road
Mortimer Common
Reading
RG7 3SE**

MEMBER EXPIRY DATE - 14th February 2024

EOT EXPIRY DATE - 27th March 2024

INTRODUCTION

This application seeks to determine if prior approval is required for the change of use of the current office (Use Class E) on the first floor of 6A Victoria Road to a residential dwelling (Use Class C3).

The application site is located within the settlement of Mortimer located to the south of Victoria Road. The building is currently comprised of a café/restaurant at ground floor and at first floor one residential flat and office space. The office space at first floor is proposed to be converted to a second flat. The proposed development would result in the net gain of 1 flat.

PLANNING HISTORY

23/00879/FUL: Relocation of the approved commercial kitchen extractor vent. APPROVED. 10.10.2023.

22/01026/FULD: S73 Application for variation of Conditions (1) - Approved plans and (4) - Odour and noise of approved application 19/00264/FULD: S73A. Application for variation of Conditions (2) - Approved plans, (3) - Materials, (4) - Sound insulation, (5) - Odour and noise and (10) - Parking and turning of approved application 17/02144/FULD. APPROVED. 26.04.2022.

19/00264/FULD: S73a. Application for removal/variation of Conditions (2) - Approved plans, (3) - Materials, (4) - Sound insulation, (5) - Odour and noise and (10) - Parking and turning of approved application 17/02144/FULD - Refurbishment and re-cladding of existing building, new pitched roof to second floor to create an apartment on first floor and second floor (C3), partial retention of office space on first floor (B1) and change of use of ground floor to Class A3. APPROVED. 26.03.2019.

17/02144/FULD: Refurbishment and re-cladding of existing building, new pitched roof to second floor to create an apartment on first floor and second floor (C3), partial retention of office space on first floor (B1) and change of use of ground floor to class A3. APPROVED. 08.12.2017.

11/02261/FUL: Removal of the existing shopfront and replacing it with a new one with DDA compliant automatic door and electric shutter. APPROVED. 09.01.2012.

10/01065/FUL: Temporary change of use to a contractors office for 18 months. APPROVED.
26.07.2010.

87/28938/ADD: Change of use of part of first floor from retail to offices class a2. APPROVED.
17.06.1987.

86/27823/ADD: Change of use to offices. REFUSED. 05.01.1987.

PRIOR NOTIFICATION PROCEDURAL MATTERS

Schedule 2, Part 3, Class MA of the General Permitted Development Order:

This part of the GPDO provides permitted development rights where development consists 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 of the Use Class Order to a use falling within Class C3 (dwellinghouse) of Schedule 1 of that Order.

Under the provisions of Class MA, the Local Planning Authority must determine whether prior approval is required considering the limitations of the order. Otherwise, the development is considered permitted development.

As a determination under planning legislation it must be made in accordance with the NPPF and the development plan unless material considerations indicate otherwise. The proposal should therefore be assessed against the relevant policies, provided they only fall within the guidelines of Class MA in the General Permitted Development Order

Publicity:

Schedule 2, Part 3, Class W provides the procedure for applications where prior approval is required under part 3. Paragraph (8) within Class W requires a Local Planning Authority to give notice of the proposed development either by display of a site notice for 21 days or service notice on an adjoining owner or occupier.

A site notice was displayed on 26th January 2024 at bollard at front of the site; the notice expired on 16th February 2024. In addition, letters were sent to occupiers within the same building and neighbouring buildings on 9th January 2024 with a reply by date of 30th January 2024.

The Local Planning Authority have discharged the duty to give notice of the proposed development.

EIA:

Any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 does not constitute permitted development unless the local planning authority has adopted a screening opinion to the effect that an Environmental Impact Assessment is not required. Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2.

CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Development commenced under permitted development is liable to pay CIL. The development will involve the creation of new dwelling and therefore will be liable to pay CIL, an informative to the advise the applicant will be applied.

CONSTRAINTS AND DESIGNATIONS

No constraints or designations relevant to the type of application.

CONSULTATION

Stratfield Mortimer Parish Council: The parking requirement when office space to domestic use is queried under permitted development. It needs to be clarified if there is adequate parking.

Highway Officer: In accordance with West Berkshire Council's parking standards a 2-bed flat in this location (Zone 3) should be provided within 1.75 driveway car parking spaces. No car parking is proposed. It is not possible to apply parking standards to these applications, it is considered reasonable to refer to them as a guide. It is considered that the traffic implications and highway access statements in the applicant's cover letter have not been substantiated. However, the existing office use could have generated vehicle movements and a car parking demand of potentially 3 parking spaces. On balance it is considered unlikely that there would be a material increase or change in the character of traffic. A full planning application is not requested.

Land Drainage Engineer: No comment to make.

Environmental Health: No concerns regarding contaminated land. Concerns are raised with the noise impact on occupants from the operations of the café below. A noise assessment is needed to reassure that there will not be any adverse impacts from the adjoining use (café below) or that impacts can be mitigated. Furthermore, it is not clear where the extraction and café are in relation to the flat. There is an existing flat at first floor, but the proposed flat is located above the commercial kitchen and close to the kitchen extraction fan and flue than the existing flat.

19.03.2024: Additional information received in relation to the sound insulation performance of the building in relation to the proposed use. This provides reassurance that internal noise transmission between the uses would be appropriately controlled by the building structure. Whilst I had mentioned noise from deliveries and refuse collections also being a concern, on reflection, these are currently operating without complaint from the existing residential accommodation above or neighbouring residents, so I can expect that these activities are not likely to adversely impact on the proposed residential dwellings either. I therefore withdraw my objection on noise grounds and support the approval of this application.

REPRESENTATIONS

No public representations have been received.

PLANNING RESTRICTIONS

From a search of the planning history, there are no known planning conditions or Article 4 directions that restrict permitted development rights for the proposed development.

COMPLIANCE WITH SCHEDULE 2, PART 3, CLASS MA

The limitations within Schedule 2, Part 3, Class MA.1 (1) were amended on 05.03.2024. The proposal complies with the amended limitations within MA.1.

ASSESSMENT OF PRIOR APPROVAL MATTERS

The local planning authority are required to assess whether the prior approval will be required for the matters discussed below:

MA.2 (2)(a) Transport impacts of the development, particularly to ensure safe site access:
The Covering Letter advises that the development will not have traffic and transport implications. It is noted concerns have been raised by the Parish Council regarding parking. The Highway Officer has reviewed the application and advises that there would unlikely be transport impacts when taking into account that the existing office use. The comments regarding parking are noted and it acknowledged the flat would not be provided with parking. However, it is not possible for the Council's parking standards to be applied for this type of application, but it is noted that the office use would require more parking than the proposed dwelling. It is considered that this would be acceptable.

MA.2 (2)(b) Contamination risks in relation to the building:
The Covering Letter advises given that the change of use is at first floor it is not considered there would be any contamination risks. The Council's Environmental Health Officer raises no concerns regarding contamination. Prior approval is not required for contamination risks.

MA.2 (2)(c) Flooding risks in relation to the building:
The application site is located in Flood Zone 1 and is not within a Critical Drainage Area. The Lead Local Flood Authority advise that they have no comments on this application. It is considered there are no significant flood risks related to the building. Prior approval is not required for flood risk.

MA.2 (2)(d) Impacts of noise from commercial premises on the intended occupiers of the development:
At ground floor there is an operational café/restaurant business. The Environmental Health Officer requested a Noise assessment to ensure there would not be an adverse impact on the occupants or that the noise impact could be mitigated. On 28.02.2024 an Acoustic report was submitted. The Environmental Health Officer advises that this document provides reassurance that the internal noise transmission between uses would be appropriately controlled by the building structure. It is also recognised that there is an existing flat in which there have not been any complaints received from Environmental Health regarding noise and therefore it is considered there would unlikely be an impact on the proposed flat either. Environmental Health withdrew their objection. Prior Approval is required and granted for noise impacts. A condition is requested that the works shall be carried out in accordance with the assessment.

MA.2 (2)(e) Impact on the character or sustainability of the conservation area:
The application site is not located within a conservation area. Therefore, prior approval is not required for this matter.

MA.2 (2)(f) Provision of adequate natural light to all habitable rooms of the dwellinghouse:
All habitable rooms are served by at least one window. It is noted due to the position of the site and neighbouring dwellings that there is development in close proximity to the southern and western boundaries. There is also a tree on the western boundary. Taking into consideration the separation of the building to the south (approximately 6.6-7 metres) and the single storey nature of the western property it is considered that adequate light would reach the windows on the elevations. In addition, the position of the tree would not result in a significant loss of light to the western windows either. It is considered because the main habitable area is served by sufficient windows to achieve adequate natural light. Bedroom 2 is served by two obscure glass windows this is considered to be acceptable as it would be similar to that accepted of Bedroom 2 in the existing flat. Bedroom 1 would be served by one unobstructed window although in an unusual position on balance it is considered there would be adequate natural light for a bedroom.

MA.2 (2)(g) Impact of intended occupiers in areas of general or heavy industry, waste management, storage and distribution:

The application would not introduce a residential use to an area the authority considered important for general or heavy industry, waste management, storage and distribution or a mix of these uses. Therefore, prior approval is not required.

Paragraph MA.2 (2)(h) loss of services provided by a registered nursery or health centre:
The proposal does not involve either of nursery or health centre services and therefore prior approval is not required.

Paragraph MA.2 (2)(i) fire safety impacts where the development meets the fire risk condition:
MA.3 advises that the fire risk condition is met when the development contains two or more dwellings and satisfies the height condition in paragraph (3), read with paragraph (7) of article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the proposal will result in 2 dwelling it does not meet the height condition (18 metres or more in height or contains 7 or more storeys). Therefore, prior approval is not required for the assessment of fire safety impacts as it does not meet the fire risk condition.

Compliance with nationally described space standards:

Article 3 of the Town and Country Planning (General Permitted Development) (England) 2015 (as amended) states in Paragraph 9A and 9B the following:

"(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it."

The 2 bed 4 person 1 storey dwelling would comply with the nationally described space standards as it would meet the requirements of Table 1 (built-in storage in bedroom 1 and Utility Room), the height requirements and the floorspace and with for double bedrooms.

OTHER RESTRICTIONS AND CONSENTS

Land ownership, including any restrictions that may be associated with land, is not a planning matter. An appropriate legal professional will be able to provide further advice on this if necessary. Even if a planning application is not needed, other consents may be required under other regimes. For example, building regulation consent will need to be obtained before carrying out development. It is the developer's responsibility to ensure that any necessary permissions, consents, and permits are in place when required.

CONCLUSION

This proposed development is permitted development complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The matters in which the Local Planning Authority can assess the proposal are considered to either not require prior approval or are acceptable.

The prior approval application is recommended for **PRIOR APPROVAL REQUIRED and GRANTED**.