

Head of Planning

Rushmoor Borough Council

Our ref: 2585

BY ELECTRONIC SUBMISSION

22 September 2022

Dear Sir/ Madam

Application for Prior Approval – Part 3 Class MA Town and Country Planning (General Permitted Development) (England) Order 2015 – First and Second Floors of Interpower House, Windsor Way, Aldershot GU11 1JG

On behalf of our client, Glen House Estates Limited, we apply for the prior approval of the Local Planning Authority for the change of use of a building from Class E (business) (formerly B1) to Class C3 (residential dwellings), pursuant to Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

The following plans are submitted with the application:

- Site Location & Block Plan - Reference J1202-05;
- Existing Floor Plans - References J1202-06 (Ground Floor); J1202-01 (First Floor); J1202-02 (Second Floor)
- Proposed Floor plans - References J1202-03 (First Floor); J1202-04 (Second Floor);
- Existing Elevations - Reference J1202-07.

The Site and Surrounding Context

Interpower House is a three storey office building, constructed in the 1970s (Building Control application 71/10381A suggests early 1970s). The gross internal floorspace of Interpower House is 909sq m, across ground, first and second floors, which includes communal areas/ stairwells but excludes the covered parking at ground floor level. The net internal area of the ground, first and second floor units is 800sq m.

The premises is located on at the junction of High Street and Windsor Way, opposite the Ordnance Road roundabout, with vehicular access via Sebastopol Road. Figures 1 to 4 below show Interpower House as viewed from the surrounding area.



Figure 1 View towards Interpower House from the north- west (from Ordnance Roundabout)



Figure 2 View towards Interpower House from the north, looking south



Figure 3 Interior of Interpower House



Figure 4 View of Interpower House from the south

The site is in the built up area of Aldershot, sitting just outside the Aldershot Town Centre boundary (315m walking distance) and Primary Shopping Area, and is less than 500m walk from Aldershot Railway Station, offering direct services to London Waterloo (50-55min). It is not in a Conservation Area. There are no listed buildings on the site or in the immediate vicinity. The site is in Flood Risk Zone 1 (lowest risk of flooding).

Immediately to the west, Sebastopol Road has a predominantly residential character.

Figure 5 below (showing the view from Sebastopol Road looking east into the site car park) shows this primarily residential character. The three storey residential apartment block visible in Figure 5 is understood to contain 16 flats, including 1no. 1 bedroom flat and 15no. 2 bedroom flats. At ground floor



that development provides undercroft car parking together with bin storeys and cycle stores. Permission was granted for the same under reference 03/00220/FUL, granted 22 May 2003, which authorised the demolition of the existing warehouse on the site and replacement with the building shown)



Figure 5 Residential character of the surrounding area

Site Planning History

As demonstrated by the planning history below, Interpower House currently has a lawful use within Class E.

Relevant planning history at the site is as follows:

- 98/00730/FUL – External alterations and erection of three additional storeys to existing office building (Withdrawn) – *Confirms the existing building was in office use as at 1998*
- 99/00616/FUL – Demolition of existing office building and erection of four storey office building with parking (Refused)
- 02/00565/ADV – Display of one non illuminated high level wall mounted sign on side elevation (Granted) – *Case officer's report confirms the premises is a 'modern three storey office building'.*
- 09/00672/COU - Change of Use from B1(a) (office) to flexible use to include B1(a) (office), D1(a) (medical or health services) and D1(c) (educational services) (Granted 15 January 2010) - *Not implemented, hence later application to extend time for implementation.*
- 13/00030/COU – Application to extend the time limit of planning application 09/00672/COU dated 15th January 2010 for Change of Use from B1(a) (office) to flexible use to include B1(a) (office), D1(a) (medical or health services) and D1(c) (educational services) (Granted 16 April 2013) – *Not implemented.*



At present, the ground floor is occupied by HML Andertons Property Management Limited, in use for office purposes. The first and second floors have in the past been used as offices by a computer gaming company but have been vacant for some time, as described below.

This prior approval application, however, seeks prior approval to change the use of the first and second floors of the premises, not the entirety of Interpower House. The ground floor at present comprises a commercial unit and under cover car parking. The ground floor unit would remain in office use, with the entry lobby and stair well to the upper floors in the location shown on Plan J1202-06 (Existing/Proposed Ground Floor).

The Proposal

The proposal is to convert the first and second floors of Interpower House only to 12no. residential dwellings with communal stairs and landing.

At ground floor level, the commercial use would be retained alongside space for 24 car parks.

On each of the first and second floors, the office toilets will be removed and service riser relocated. 6no. 1 bedroom dwellings will be provided at each level, 4 of these for 1 person, and 2 suitable for occupation by 2 people (based on compliance with the Nationally Described Space Standards, with a minimum of 50m² required for occupation of a 1 bedroom dwelling by 2 people). Plan J1202-03 shows the proposed layout of the 6 dwellings on the first floor. Plan J1202-04 shows the proposed layout of the 6 dwellings on the first floor.

The application is made pursuant to Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (SI2015/596) ("GPDO") which provides:

MA. 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.

The proposal seeks to change the use of the first and second floors of Interpower House, but makes no alteration to the use of the ground floor commercial unit.

As Class MA is a new permitted development right, there is limited guidance available as to the interpretation of this provision. However, it has long been established that the definition of 'building' in both the GPDO and TCPA 1990 is wider than common usage of the term, and that for the purposes of permitted development rules, reference to 'the building' may mean reference to 'the whole building' or to the 'part of a building' that is subject to an application.

The term "building" is defined, in Article 2(1) of the GPDO. For the purposes of the GPDO "building" can mean a whole building, or as is the case here, 'part of a building':

"building"—

- (a) includes any structure or erection and, except in Class F of Part 2, ^{F5}Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 ^{F6}, Class T of Part 19 and Class ZA of Part 20, of Schedule 2, includes any part of a building; and
- (b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;



For completeness, the definition of ‘building’ in the parent legislation is equally broad, relating either to a whole building, or part of a building:

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

It should be also be noted that the conditions imposed on Class MA indirectly recognise this permitted development right could be used to convert part of a building rather than the entire premises – for example, MA.2(e) refers to development involving “change of use of the whole or part of the ground floor” of a building in a Conservation Area.

On this basis, the “building” to which this prior approval application relates is the ***first and second floors of premises at Interpower House, Windsor Way, Aldershot***. Therefore, this Class MA prior approval application relates only to a change of use of the *first and second floors* of the two storey premises and does not propose any changes of use to the ground floor.

Restrictions on the Application of Class MA

Having established the lawful use of the site it is clear that the site qualifies for the change of use under the provision of Class MA of the GPDO. We therefore need to assess the proposals against all the other relevant tests of that class and then the subjective considerations of the process.

Development is not permitted by Class MA unless certain requirements are met, as addressed in turn below. These considerations are set out in MA.1 of the GPDO.

“(a) 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.”

The first and second floors of Interpower House have been vacant since at least 22 April 2022.

“(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) [which include B1 Use] for a continuous period of at least 2 years prior to the date of the application for prior approval.”

The whole premises has a lawful use currently falling within Use Class E, and prior to the introduction of that Use Class it was in B1 office use having been used as an office building since its construction in the early 1970s. This is confirmed by the planning history set out above.

As such, it has been continuously used for one of the specified uses for at least 2 years.

“(c) if the cumulative floorspace of the existing building change use under Class MA exceeds 1500 sqm”

The gross internal floorspace of Interpower House is 985sq m, across ground, first and second floors, which includes the covered parking area which accommodates half of the ground floor. As such, the proposal to change use of the first and second floors is clearly below the threshold of 1500sq m.

“(d) if land covered by, or within the curtilage of, the building – (i) is of forms part of a site of special scientific interests; (ii) is or forms part of a listed building or land within its curtilage; (iii) is of 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.”



Neither the land nor its curtilage falls within any of these exceptions.

“(e) 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

None of these exceptions apply.

“(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and tenant has been obtained.”

The site is not under an agricultural tenancy.

“(g) 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 1 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 1 August 2022 date has now passed so this clause is no longer relevant. For clarity, Class O of the GPDO 2015 (prior to amendment in 2020) authorised change of use of B1(a) offices to C3 dwellinghouses in certain situations. This condition on the exercise of Class MA sought to prevent conversion from office to residential where a previous Article 4 direction had been made to restrict such change and where the direction remains in force.

There are no Article 4 direction in force restricting the ability to exercise permitted development rights for change of use from office (B1a) to dwelling (C3) in this specific location. The Council has made an Article 4 direction relating to the Aldershot town centre which is expected to come into force on 6 March 2023. This would restrict the ability to use permitted development rights (Part 3 Class MA) to change use from Class E to C3 dwelling houses. The proposed area is further west of the Site and does not include the site itself (Figure 6).

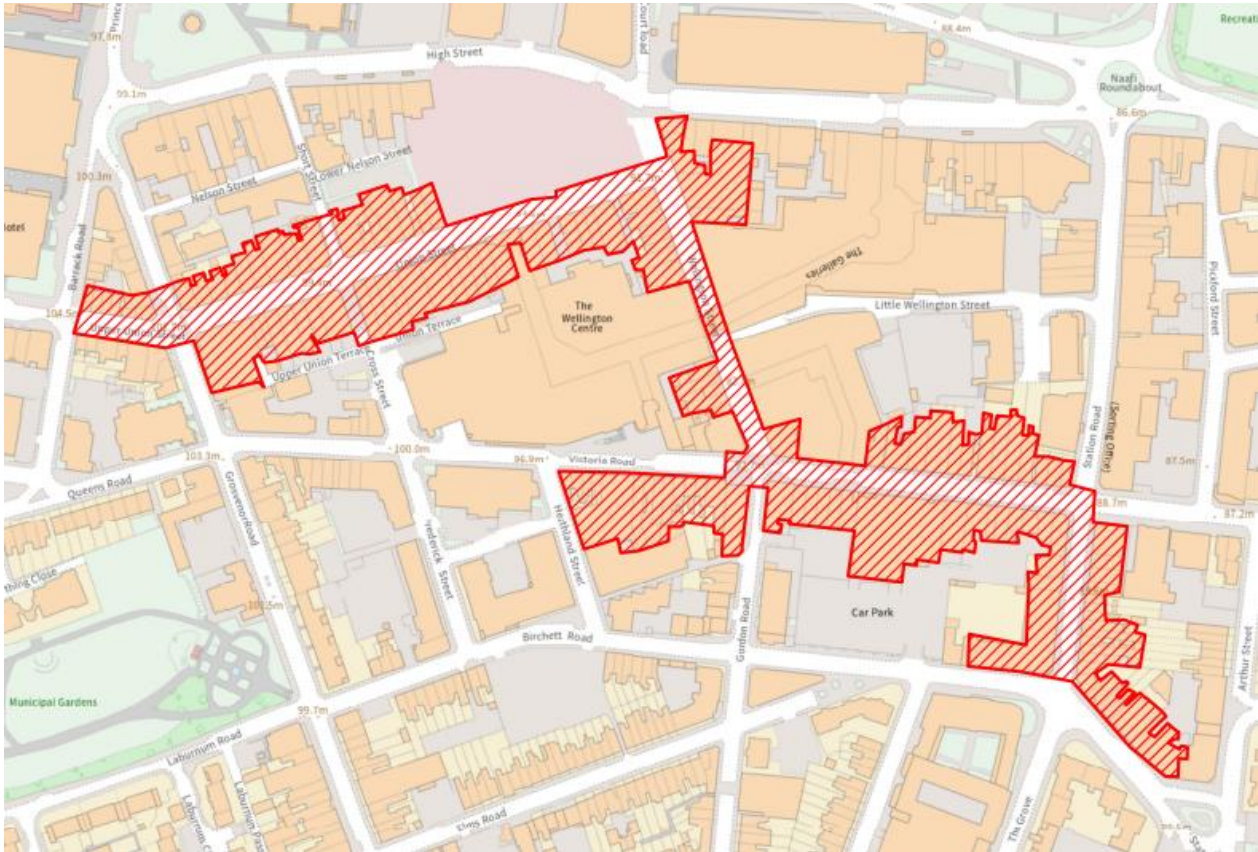


Figure 6 Aldershot Town Centre Article 4 Direction removing PD rights for change of use

Conditional Requirements of Class MA

As set out in MA.2 of the GPDO there are also a number of additional conditions which apply to Class MA applications. The applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will also be required as to –

Transport impacts of the development, particularly to ensure safe site access;

The site is in close proximity to Aldershot Town Centre, as shown on Planning Policy Map (Aldershot). Therefore it is considered to be in one of the more sustainable locations of the borough, with good access to local services and facilities via sustainable modes of transport. The Wellington Centre, in the town centre, has a pharmacy, Lidl supermarket, stationery stores as well as takeaway food outlets and sports supplies/gym.

The Car and Cycle Parking Standards Supplementary Planning Document (2017) requires that offices provide 1 car park per 30 sq m and 1 cycle park per 150 sq m. At present, there is 800sq m of office space (at ground, first and second floors) which would, under current standards, require 26.65 car parking spaces. As such, there is an under-provision on the site at present. This would be improved upon via the proposal.

This proposal will deliver 12 residential units and retain 154 sq m of office space. Based on the SPD requirements, there is a need for:

- Residential occupants: 12 car parking spaces and 12 cycle parking spaces (1 per 1 bedroom dwelling);



- Visitors: 4 car parking spaces (1/3 of a space per residential dwelling)
- Commercial at ground floor: 5.46 car parking spaces and 1 cycle park (1 car park per 30sq m and 1 cycle park per 150 sq m).

This gives a total requirement of 21.46 car parking spaces and 13 cycle parking spaces.

There are 24 parking spaces provided, which is sufficient to meet the needs of both the continued commercial use of the ground floor and the upper residential dwellings. Cycle parking can also easily be accommodated at the rear of the premises. Therefore, the proposal delivers an improvement, as against the existing use which doesn't meet the SPD figures (having been consented prior to its introduction).

As shown on the Site and Block Plan (Reference J1202-05) there is an existing site access onto Sebastopol Road and there is sufficient space in the entrance area to ensure vehicles can turn within the site and therefore enter and leave in a forward gear.

Contamination risks in relation to the building;

As the building was first built in the 1970s and has always been in lawful use for office purposes, the risk of historic contamination is considered to be extremely low.

Flooding risks in relation to the building;

The Site is in Flood Zone 1, considered to be at lowest risk of flooding.

Impacts of noise from commercial premises on the intended occupiers of the development;

This commercial building is located at the head of Sebastopol Road which has a predominantly residential character. There are other existing residential dwellings directly to the west of the site (Charters House – seen in Figure 5 above) and also to the north, with residential properties fronting the A323 road heading west from the Ordnance Roundabout. The presence of residential dwellings directly adjacent to the site (consented in 2003) demonstrates that the continued commercial use on the ground floor can be carried out compatible with residential uses on the upper floors.

Office use on the ground floor will be limited to 'office hours' and will not be a high generator of noise nuisance. The current tenant, who has been in situ since 2014, is HML Andertons Property Management Limited and we are unaware of any noise complaints from nearby residents regarding their use of the ground floor of Interpower House for office purposes.

Where the building is located in a Conservation Area and the development involves changes of use of the whole or part of the ground floor area, the impact of that change of use on the character or sustainability of the Conservation Area;

The Site is not within a Conservation Area.

The provision of adequate natural light in all habitable rooms of the dwellinghouses;



The elevations show the extensive fenestration to Interpower House, with large windows on all elevations (Figure 8). This is also evident in the photographs provided (Figures 1-4).

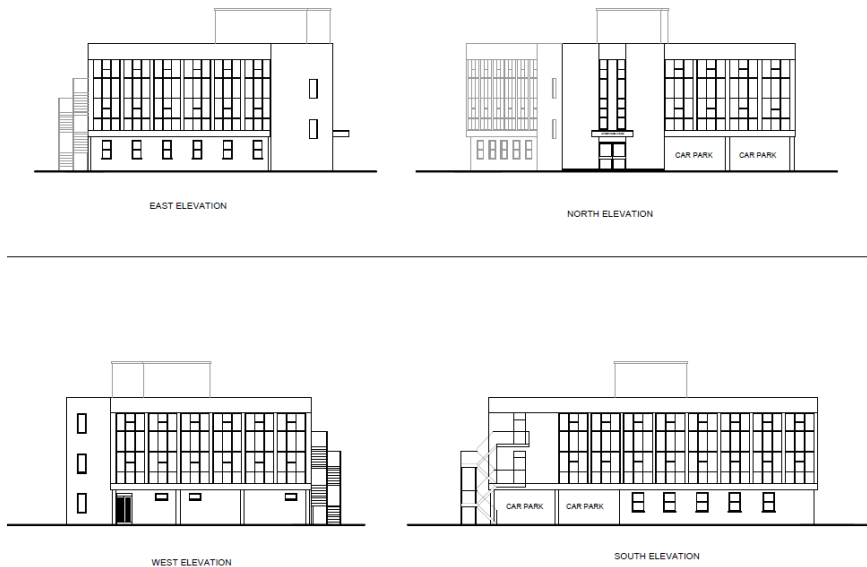


Figure 7 Elevations showing Interpower House fenestration

As can be seen in the proposed floorplans submitted with the application (J1202-03 and J1202-04), and in particular Figure 3 above, all habitable rooms will therefore have access to natural light through the provision of large windows. In addition, both flats meet the nationally described internal space standards.

The impact on intended occupiers of the introduction of residential use in an area considered important for general or heavy industry, waste management, storage and distribution;

The Site is located in proximity to Aldershot Town Centre, in an area characterised by a mixture of commercial and residential properties. It is not an area important for industrial, waste or storage and distribution uses.

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 service loss; and

The proposal does not result in the loss of any such service – the lawful use of the first and second floors is Class E (having previously fallen within B1 Offices). Both floors are currently vacant. Whilst permission was previously granted which allowed flexible use for a mixture of B1 and medical/health/ educational use, this was never implemented.



Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

MA.3. clarifies that development meets the fire risk condition if the development relates to a building which will—(a) contain two or more dwellinghouses; and (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

These requirements are as follows:

Article 9A (3): The height condition is that— (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys.

Article 9A (7): (7) For the purpose of paragraph (3)— (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms); (b) when determining the number of storeys a building has— (i) any storey which is below ground level is to be ignored; and (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

As detailed above, the “building” in question in this application is only the first and second floor of the premises. In any event, the two-storey building when viewed as a whole does not meet the height condition set out in Article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and therefore, fire safety impacts on the intended occupants do not require further detailed analysis as part of Class MA.2 (i).

Conclusion

Based upon the planning portal fee calculator, a fee of £1,232,20 is required which will be paid upon submission.

This letter along with the accompanying plans address the criteria set out within Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 and paragraph W. If you have any questions following a review of this letter and the details of the prior notification, please contact the writer of this letter as soon as possible.

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