

ITEM NO: 15

Application No.
17/00263/PAC
Site Address:

Ward:
Priestwood And Garth

Date Registered:
16 March 2017

Target Decision Date:
11 May 2017

**Building A Berkshire Court Western Road Bracknell
Berkshire RG12 1RE**

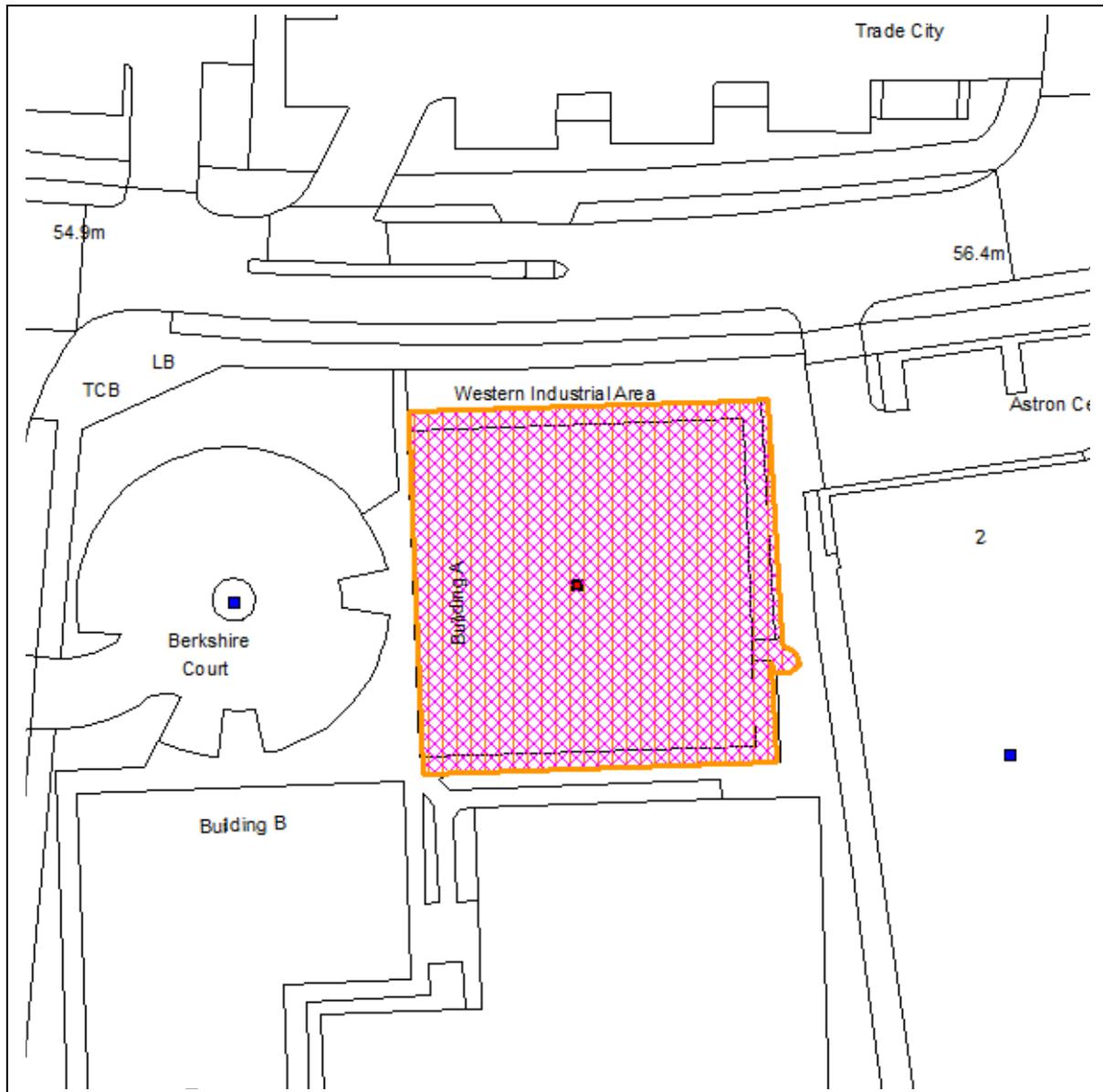
Proposal: **Notification for Prior Approval for the change of use of the roof space in Building A from Office use (B1) to residential (C3) to provide 11 no. dwellings.**

Applicant: Brooks Murray

Agent: (There is no agent for this application)

Case Officer: Matthew Miller, 01344 352000

development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

1.1 Prior approval is sought for the change of use of the roof space of the premises known as Building A, Berkshire Court, Western Road, from B1(a) offices to 11no. flats.

1.2 It is not considered that the proposal would result in any adverse impact of noise from surrounding commercial premises on the future occupiers of the proposed flats. Provided that the proposal would not result in adverse highway, contamination and flooding implications, it is recommended that Prior Approval be granted.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This prior approval must be determined and a decision issued accordingly within 56 days.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within 5 kilometres of SPA
Defined Employment Area
Trees subject to TPOs in vicinity

3.1 Building A, Berkshire Court is a two storey rectangular unit that forms part of the wider property of Berkshire Court. While the formal address of the property is classed as Western Road, the property is accessed from Downmill Road. Berkshire Court itself consists of two buildings (A and B), both under office use, and an associated multi-storey car park. An additional parking area is present to the front (west) of Building A.

3.2 The property is sited within the Western Industrial Area of Bracknell, and is bordered on all sides by commercial buildings forming office, retail and industrial use.

3.3 Trees subject to Tree Preservation Orders (refs: TPO 388, TPO 1142) are sited to the north and west of the property, but are sited on the opposite side of public highways to the site.

3.4 Separate applications for prior approval have been submitted for the change of use of the ground and first floors of Building A, and of the whole of Building B, to residential use.

4. RELEVANT SITE HISTORY

614990

Construction of one 2 storey [Building A] and one 3 storey building [Building B] for business use together with associated car parking and landscaping.
Approved (1990)

17/00060/PAC

Prior Approval change of use of the ground and first floors from Office (B1) to Residential (C3) use to provide 28 flats.

Refused (2017) (Inadequate contamination and flooding details)

5. THE PROPOSAL

5.1 Prior approval is sought for the change of use of the roof space of the premises known as Building A, Berkshire Court, Western Road from Class B1(a) (offices) to C3 (dwellinghouses), in accordance with Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 It is proposed to convert the floor space across the internal roof space to 11 no. apartments. Each apartment would contain an open plan kitchen and living area, bedroom/s and bathroom.

6. REPRESENTATIONS RECEIVED

6.1 No comments have been received at the time of writing from Bracknell Town Council, neighbouring properties, or in response to the published site notice.

Officer Comment: The deadline for providing comments is 17 April 2017. Any comments received past the deadline of the Committee Report will be included with the supplementary report.

7. SUMMARY OF CONSULTATION RESPONSES

Transportation Officer

7.1 Comments awaited.

Environmental Health Officer

7.2 Comments awaited.

Licensing Officer

7.3 The Licensing Officer has provided information regarding the nearest surrounding licensed properties in relation to potential noise generation. This is discussed in further detail in the relevant section of the report below.

Drainage Officer

7.4 Comments awaited.

Officer Comment: Any comments or additional information received past the deadline of the Committee Report will be included with the supplementary report.

8. PRINCIPLE OF DEVELOPMENT

8.1 In assessing this type of prior approval application the Council can only assess whether the proposal is likely to result in transport and highway implications, contamination issues, flooding issues and impacts of noise from commercial premises on the intended occupiers of development.

8.2 If there are no implications associated with these matters, the development is considered to be permitted development.

9. ASSESSMENT

9.1 Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows 'development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.'

9.2 The legislation is set out as follows:

O.1

Development is not permitted by Class O if:

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;"
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
- (i) on 29th May 2013, or
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

O.2.

(1) Development under Class O 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—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class O

O.3. For the purposes of Class O "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of the application ...and includes any premises licensed under the Licensing Act 2003(a) or any other place of public entertainment.

Officer Note: this is applicable in assessing whether any existing commercial premises would result in noise to the intended occupiers of the development under section O.2(d).

Section W sets out the procedure to be followed where a developer is required to apply for prior approval to the Local Planning Authority under any class falling within Part 3.

9.3 The assessment of the proposed development in accordance with the above legislation is as follows:

9.4 Paragraph O.1 compliance:

- The building is not on article 2(5) land and an application has been made on or before 30 May 2019.
- The building was last used for a use falling within Class B1(a) offices.
- The site does not form part of a safety hazard area.
- The site does not form part of a military explosives storage area.
- The building is not listed or within the curtilage of a listed building
- The site is not and does not contain a scheduled monument.

Paragraph O.2 conditions:

(a) Transport and highways impacts of the development

9.5 Comments are awaited from the Highway Officer as to the potential transport and highway implications of the proposal. Any comments received past the deadline of the Committee Report will be included with the supplementary report.

(b) Contamination risks on the site

9.6 The site of the proposed development is a formerly heavily industrialised area, and the building lies approximately 85 metres from a landfill site known as 'Downmill Brickworks'.

9.7 The applicant has submitted Phase One and Phase Two Contamination Reports in support of the proposal.

9.8 Comments are awaited from the Environmental Health Officer as to the potential contamination implications of the proposal. Any comments received past the deadline of the Committee Report will be included with the supplementary report.

(c) Flooding risks on the site

9.9 The access to the site from Downmill Road, and the western side of the wider property of Berkshire Court, is sited within Flood Zone 3. The building is therefore close to an area that is at risk of surface water flooding, including in relation to access to and egress from the site.

9.10 The applicant has submitted a Flood Risk Assessment in support of the proposal. Comments are awaited from the Drainage Officer on this report.

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

9.11 The Council's Licensing Section has provided details of all licensed premises within close proximity to the application site which include premises where the sale of alcohol is permitted.

9.12 The information provided by the Licensing Officer shows that the nearest relevant properties are sited on Longshot Lane to the west (Ozzy's Kitchen) and on Wokingham Road to the north (The Bridge Public House). These are sited a significant distance from the property, with a high number of intervening buildings.

9.13 The Environmental Health Officer has been consulted on the submitted Noise Survey and Assessments. This document makes recommendations in relation to noise reduction measures (glazing, active ventilation units, etc.). No objection is therefore raised to the impacts of noise from commercial premises on the intended occupiers, provided that these recommendations be implemented in full to ensure that future residents of the proposed development are protected from excessive noise levels in the resulting residential units.

(e) Other matters

9.14 The site is located within 5km of the Thames Basin Heaths Special Protection Area. It is a condition of any planning permission granted by a general development order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority has given written approval under the Habitats Regulations 2010. The prior approval process does not in itself constitute approval under these Regulations.

9.15 This proposal would create additional dwellings and is located within an area where additional dwellings would lead to a significant impact on the SPA, if not mitigated. The decision notice should therefore include an informative advising the applicant how to apply for approval under the

Habitats Regulations 2010 and that a Section 106 Agreement must be entered into in the event of prior approval being granted.

9.16 Further, this prior approval relates only to the use of the building. Any external alterations such as the installation of windows would require the submission of a full planning application.

9.17 The applicant has not demonstrated that the existing roof space has been actively utilised for B1 business purposes for a continuous period of six months within the past three years, but rather the roof space forms an empty void. The proposal is therefore CIL-liable.

10. CONCLUSION

10.1 It is not considered that the proposal would result in an any adverse impact of noise from surrounding commercial premises on the future occupiers of the proposed flats, Provided that the proposal would not result in adverse highway, contamination and flooding implications, it is recommended that Prior Approval be granted.

11. RECOMMENDATION

11.1 That Prior Approval is granted in accordance with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), with the following conditions:

1. This decision is based on the following plans and information received by the Local Planning Authority:

1096.12-100 'Location Plan 1:1250'
1096-12-300 'Existing and Proposed Roof plan'
1096-12-300 'Existing and Proposed Roof plan From above'
GWPR1827/DS/January 2017 – Contamination Desk Study Report [Phase One]
GWPR1985 'Contamination Risk Assessment' [Phase Two]
17005-002 Noise Survey & Assessment (Philip Acoustics Ltd.)
Brooks/Murray Architects – Floor Risk Assessment Feb 2017

2. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Informatives

1. It is a condition of the consent given by the General Permitted Development Order that any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Local Planning Authority (the Council) has given written approval under the Habitats Regulations 2010. This Prior Approval Notice does NOT constitute approval under the Habitats Regulations. The Council and Natural England are of the view that any residential development between 400 metres and 5 kilometres of the boundary of the Thames Basin Heaths Special Protection Area or residential development of 50 or more dwellings between 5 kilometres and 7 kilometres of such boundary cannot be approved under the Habitats Regulations unless a planning obligation is entered into under Section 106 of the Town & Country Planning Act 1990 to ensure that the development has no adverse impact upon the Special Protection Area. Your development falls within one of the two types of development referred to in the heading above.

2. Any external alterations proposed would require the submission of a full planning application.

3. Information and advice on refuse and recycling arrangements can be found at:
<http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>