

## Unrestricted Report

### ITEM NO:

Application No.  
**20/00500/PAV**

Site Address:

Ward:

Binfield With Warfield

Date Registered:

30 June 2020

Target Decision Date:

25 August 2020

**Froxfield Beehive Road Binfield Bracknell Berkshire  
RG12 8TR**

Proposal:

**Prior Approval application for change of use from shop (A1) to  
residential dwelling (C3)**

Applicant:

Mr Steven Langridge

Agent:

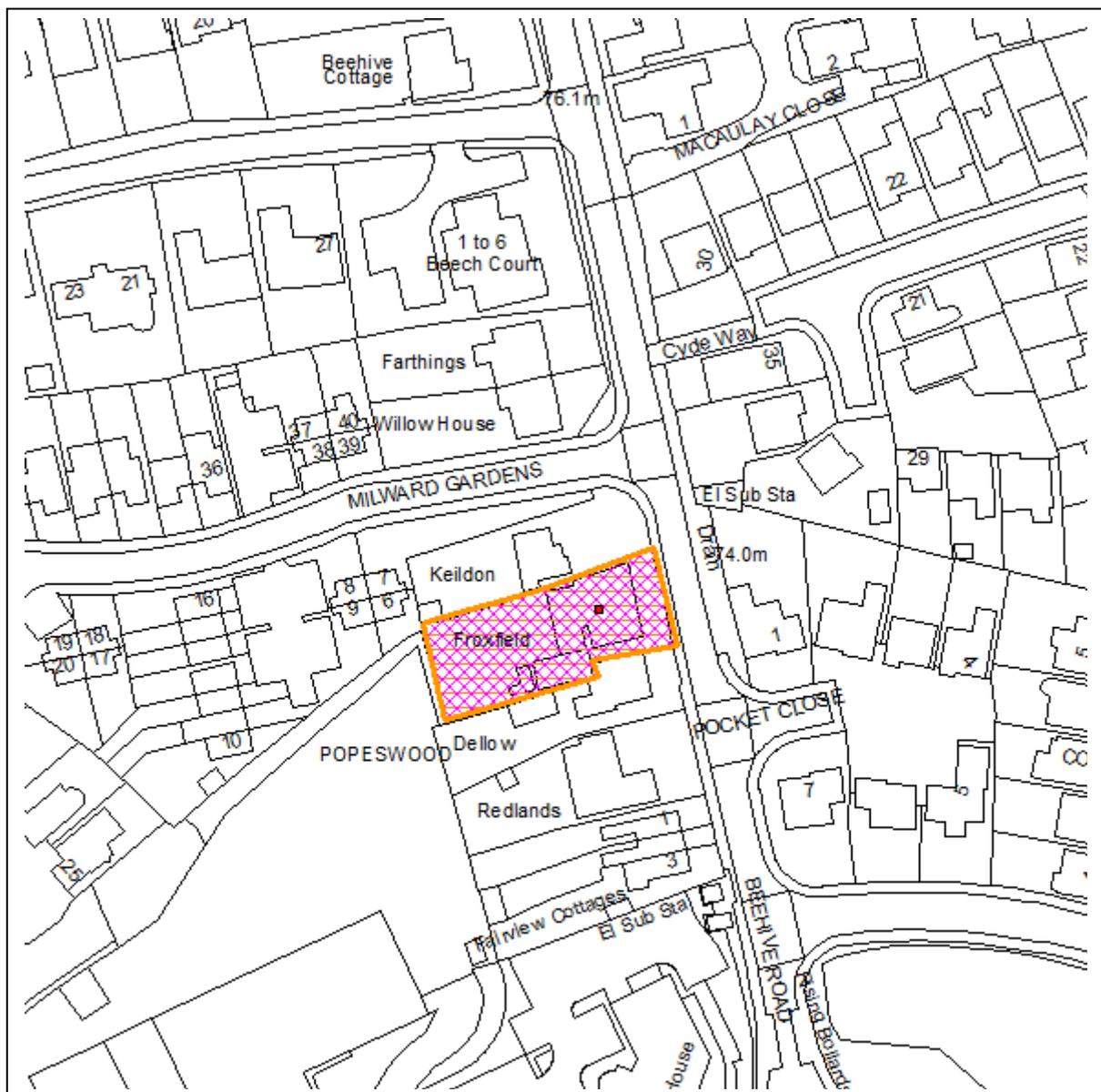
(There is no agent for this application)

Case Officer:

Olivia Jones, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

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



## 1. SUMMARY

1.1 Prior Approval is sought for the change of use of the existing shop (A1) to use as part of an existing residential dwellinghouse (C3).

1.2 The proposal complies with the criteria set out in Paragraph M.1, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no objection from Environmental Health, the proposal is considered to satisfy the conditions in Paragraph M.2 of this legislation in terms of highways, contaminated land, flood risk, impact on services and sustainability of shopping area and design and external appearance of building. Prior approval can therefore be granted.

## 2. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Between 400m - 5km of the SPA

2.1 The existing building on site is two storey, with the front half of the ground floor used as a shop, and the rear of the ground floor and first floor used as 1no. 3-bedroom residential unit.

2.2 The application site is located on Beehive Road. The site is located within the defined settlement as designated by the Bracknell Forest Borough Policies Map. The site lies outside a designated retail area.

## 3. REASON FOR REPORTING APPLICATION TO PLANNING COMMITTEE

3.1 As this is a prior approval application the LPA has only 56 days to determine the application following which it will be deemed approved.

## 4. RELEVANT SITE HISTORY

4.1 The relevant site history can be summarised as follows:

605083

Erection of single storey side and rear extension forming enlarged living/ dining room and new garage.

Approved 1980

609148

Single storey front extension forming enlarged shop.

Approved 1984

614690

Single storey front extension to shop. Single storey rear extension forming kitchen and single storey side/rear extension forming garage, in connection with living accommodation.

Approved 1989

## 5. THE PROPOSAL

5.1 Prior approval is sought for the change of use of an existing shop (Use Class A1) to 1 residential unit (Use Class C3) in accordance with Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 External alterations to fenestration are proposed.

## **6. REPRESENTATIONS RECEIVED**

### Sandhurst Town Council

6.1 No representation received at the time of writing this report

### Other representations

6.2 No representations received at the time of writing this report

## **7. SUMMARY OF CONSULTATION RESPONSES**

### Environmental Health Officer

7.1 Comments to be provided on 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, whether it is undesirable for the building to change use to C3 use due to the impact on adequate provision of services from A1 only where there is a reasonable prospect of the building being used for such services or if the building is located in a key shopping area, and the design and external appearance of the building.

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

## **9. RELEVANT LEGISLATION**

9.1 Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to retail, takeaway and specified sui-generis uses to dwellinghouses.

9.2 The legislation is set out as follows for Class M - retail, takeaways and specified sui generis uses to dwellinghouses:

### Permitted Development

9.3 M. Development consisting of—  
(a) a change of use of a building from—  
(i) a use falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order,  
(ii) a use as a betting office, pay day loan shop or laundrette, or  
(iii) a mixed use combining use as a dwellinghouse with—  
(aa) a use as a betting office, pay day loan shop or laundrette, or  
(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and or  
(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

### Development Not Permitted

9.4 M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 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;

(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

#### Conditions

9.5 M.2—(1) Where the development proposed is development under Class M(a) together with development under Class M(b), development 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 in relation to the building,

(c) flooding risks in relation to the building,

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and

(e) the design or external appearance of the building,

9.6 The provisions of paragraph W (prior approval) of this Part apply in relation to that application:

(2) Where the development proposed is development under Class M(a) only, development 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 items referred to in sub-paragraphs (1)(a) to (d) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

(a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and

(b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

## **10. ASSESSMENT**

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

10.2 Paragraph M.1 compliance:

(a) The building was in A1 use on 20th March 2013.

(b) permission to use the building for A1 (shops) use of the Schedule to the Use Classes Order has not been granted by this Part;

(c) the cumulative floor space of the existing building changing use under Class M does not exceed 150 square metres;

(d) the development (together with any previous development under Class M) would not result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development does not consist of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order – alterations to fenestration are considered reasonable alterations);

(g) The building is not:

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building;

(vi) a scheduled monument.

10.3 Paragraph M.2 conditions:

(a) Transport and highways impacts of the development

The proposal would convert part of the ground floor of the building from A1 use to be included within the floor area of the existing residential dwelling. The enlargement of the existing dwelling would not increase the number of bedrooms and therefore there would be no increase in parking demand as a result of this change of use.

There would be no encroachment into the existing parking spaces available for the dwelling. And a garage would be retained for the secure storage of bicycles.

As such, it is not considered that the proposed development would impact on highway safety.

(b) Contamination risks on the site

These will be reported in the supplementary report.

(c) Flooding risks on the site

The site is within Flood Zone 1 and not considered to have any critical drainage issues. It is therefore not considered that there are any flooding risks on the site.

(d) impact on services and sustainability of shopping area

'Saved' Policy E8 the BFBLP sets out that outside of defined neighbourhood centres the change of shop units to other uses will only be acceptable where there is no adverse effect on the availability of local shopping facilities.

Policy CS21 of the CSDPD sets out that proposals which would result in the loss of retail units that perform an important community role will only be allowed where they do not conflict with other elements of the core strategy.

The unit lies outside of the designated neighbourhood centres of Binfield. This shop does not perform an important community role, and given the unit is located in a predominantly residential area it is not considered that the loss of a unit in retail use would have a detrimental impact on the surrounding area.

As such, the proposed change of use would not adversely impact upon services or sustainability of a shopping area. The change of use of the existing building as proposed by this prior approval application would therefore not be considered to adversely affect the availability of local shopping facilities.

(e) design and external appearance of building

The proposed alterations consist of the replacement of the glazed frontage with residential fenestration and wall. The external alterations proposed would not appear out of keeping with the host building or the surrounding area where there are a mix of uses and styles of building.

It is proposed to replace the glazed shop-front with a cream render wall. These materials can be found in the area and are not considered to adversely impact the streetscene. A condition is recommended to secure these, and this condition is considered reasonably related to the proposal in design terms.

## 11. CONCLUSION

11.1 An assessment has been made of the proposal and it is considered that prior approval is required for the change of use of part of the ground floor of the building from a retail use (A1) to use as part of a single residential dwelling (C3).

11.2 The proposal complies with the criteria set out within Paragraph M.1 of Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no objections from Environmental Health in relation to transport consideration and contaminated land, the proposal would satisfy the conditions in Paragraph M.2 of the same legislation and prior approval can be granted.

## **12. RECOMMENDATION**

12.1 That the Prior Approval is **GRANTED** subject to the following condition(s):

1. Development under Class M(a), and under Class M(b), Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), must be completed within a period of 3 years starting from the prior approval date.

2. This development must be carried out in accordance with the following plans received by the Local Planning Authority:

Location and Block Plan – Received 30.06.2020

Proposed Ground Floor Plan – Received 23.07.2020

Existing and Proposed Elevations – Received 23.07.2020

3. The materials to be used in the construction of the external surfaces of the development shall be similar in appearance to those listed on the approved plans.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, CSDPD CS7]