

1. SUMMARY

- 1.1 Prior Approval is sought for the change of use of the detached building known as Countrywide House (28 Wellington Business Park) from an office (B1a) to 4no. 1-bedroom flats (C3).
- 1.2 The proposal complies with the criteria set out in Paragraph O.1 of Class O, Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no adverse impact of noise from commercial properties on future occupiers' prior approval can therefore be granted.
- 1.3 For the purposes of the Town and Country Planning (Use Classes) (Amendment) (England) Regulation 2020 which came into force on 1st September 2020 the building is now classified under Class E. However, section 3(3) of these regulations specify that, in relation to applications subject to prior approval under Schedule 2 of the GPDO, reference to uses or use classes should be made to the Schedule to the Use Classes Order on 31st August 2020. As such, for this application the building will be referred to as being in B1a use.

2. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within settlement boundary
Within 5km of the SPA

- 2.1 The building is in lawful use as an office. The application site comprises a two storey building located within Wellington Business Park, Crowthorne. The building faces onto a shared parking courtyard.

3. REASON FOR DETERMINATION AT PLANNING COMMITTEE

- 3.1 The application has been submitted under the prior approval procedure and therefore requires determination within 56 days.

4. RELEVANT SITE HISTORY

- 4.1 The relevant site history can be summarised as follows:

00/00912/FUL
Installation of a satellite dish (1.2m in diameter) on south elevation.
Approved 2000

5. THE PROPOSAL

- 5.1 Prior approval is sought for the change of use of the existing building from Class B1(a) (office) to Class C3 (dwellinghouse) in accordance with Class O of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Pursuant to paragraph W of the same legislation, the applicant is applying for prior approval for this change of use.
- 5.2 No external changes are proposed. It is proposed to provide 4no. 1-bedroom flats and retain the access and parking area to the front. 11no. parking spaces are currently allocated to the office and will be retained for use of the flats.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council

6.1 Comments to be reported in supplementary report.

Other representations

6.2 No representations received.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

7.1 No objection.

Environmental Health

7.2 No objection.

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 any impacts of noise from commercial premises on the intended occupiers of the development.

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 O of Part 3 Schedule 2 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) to a use falling within Class C3 (dwellinghouses) of that schedule.

9.2 Paragraph O.1 states that development is not permitted by Class O if:

- (b) The building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Class 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;
- (d) The site is, or forms part of, a safety hazard area;
- (e) This site is, or forms part of, a military explosives storage area;
- (f) The building is a listed building or is within the curtilage of a listed building; or
- (g) The site is, or contains, a scheduled monument.

9.3 Paragraph O.2(1) states that 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.

9.4 Paragraph O.2(2) states that 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.

9.5 Paragraph 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, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This paragraph states that the Local Planning Authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the applicant has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

10. ASSESSMENT

10.1 With regard to the criteria set out in paragraph O.1:

- (b) The building was last used as an office falling within Class B1(a).
- (c) The site does not form part of a safety hazard area.
- (d) The site does not form part of a military explosives storage area.
- (e) The building is not Listed or within the curtilage of a Listed Building.
- (f) The site is not, and does not contain, a scheduled monument.

10.2 With regard to the conditions listed in paragraph O.2:

(a) Transport and Highways Impact of the Development

Access

Access to the proposed development site is via a private road shared with neighbouring commercial buildings Micron House, 24, 25, 29, 30 and 31 Wellington Business Park. The closest adopted highway is the unnamed access road to Wellington Business Park, the closest point on foot or vehicle being 45m from the front of the building to the south-east. This adopted access road has footways and street lighting to the western side. The site is circa 300m (4 minutes walk) from Crowthorne Station and less than this to existing local facilities and services on Dukes Ride.

Parking and Servicing

The proposed development is for four 1-bedroom dwellings. Table 6 of the Parking Standards SPD (March 2016) states that 1 car parking space and 1 cycle parking space are required for a 1-bedroom dwelling; in this instance leading to a requirement for 4 car parking spaces. The development has 11 car parking spaces, more than meeting the requirements of the Parking Standards SPD for car parking.

Whilst no cycle parking has been shown on the submitted plans, there appear to be surplus rooms on the ground floor, accessed from communal areas, which

could provide cycle parking. Alternatively, one of the surplus car parking spaces could be provided with a cycle store (subject to relevant permissions).

Bracknell Forest Council's refuse collection vehicle will not typically serve private roads and therefore the nearest adopted highway location from the development is on the unnamed access road, circa 45m from the building. The closest parking space to the site access could be re-purposed as a bin collection point (subject to relevant permissions), bringing refuse closer to the adopted highway for collection day, though still greater than the 25m set out in the Building Regulations part H6.

(b) Contamination Risks on the Site

The site is not on land that is known to be contaminated.

(c) Flooding Risks on the Site

The Application site is within Flood Zone 1 and is generally at low risk of flooding.

(d) Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

The proposed use for residential is more sensitive to noise than the existing office use. The neighbouring buildings remain in commercial use as offices so the expected noise impacts from them would be expected to be relatively low. The main source of noise would be air conditioning units and vehicles arriving and departing which would be expected to during office hours only. Given the most noise sensitive times for residential dwellings are evenings, nights and weekends, when the offices would typically be empty, adverse impact is not expected.

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 the building from an office use (B1(a)) to a residential flat (C3).

11.2 The proposal complies with the criteria set out within Paragraph O.1 of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Subject to no adverse impact on highway safety or impact of noise from commercial properties on future occupiers prior approval can therefore be granted.

12. RECOMMENDATION

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

1. Development under Class O, 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:
 - Proposed Floor Plans, Elevations (Received 06.10.2020)

- Site location plan, existing block plan & proposed block plan (Received 06.10.2020)
- 3. No dwelling shall be occupied until the associated vehicle parking and turning space for that dwelling has been surfaced and marked out in accordance with the approved drawing. At least 1 car parking space per bedroom along with associated turning space shall thereafter be kept available for parking and turning at all times.

Informative(s):

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. The applicant will need to investigate bin collection arrangements for the proposed residential use.
4. The layout and size of the dwellings created must be sufficient for the safe use of the amenities and must not result in over occupation, otherwise a Hazard under part 1 of the Housing Act 2004 may be created and as such could be subject to formal action under that legislation.
5. 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.