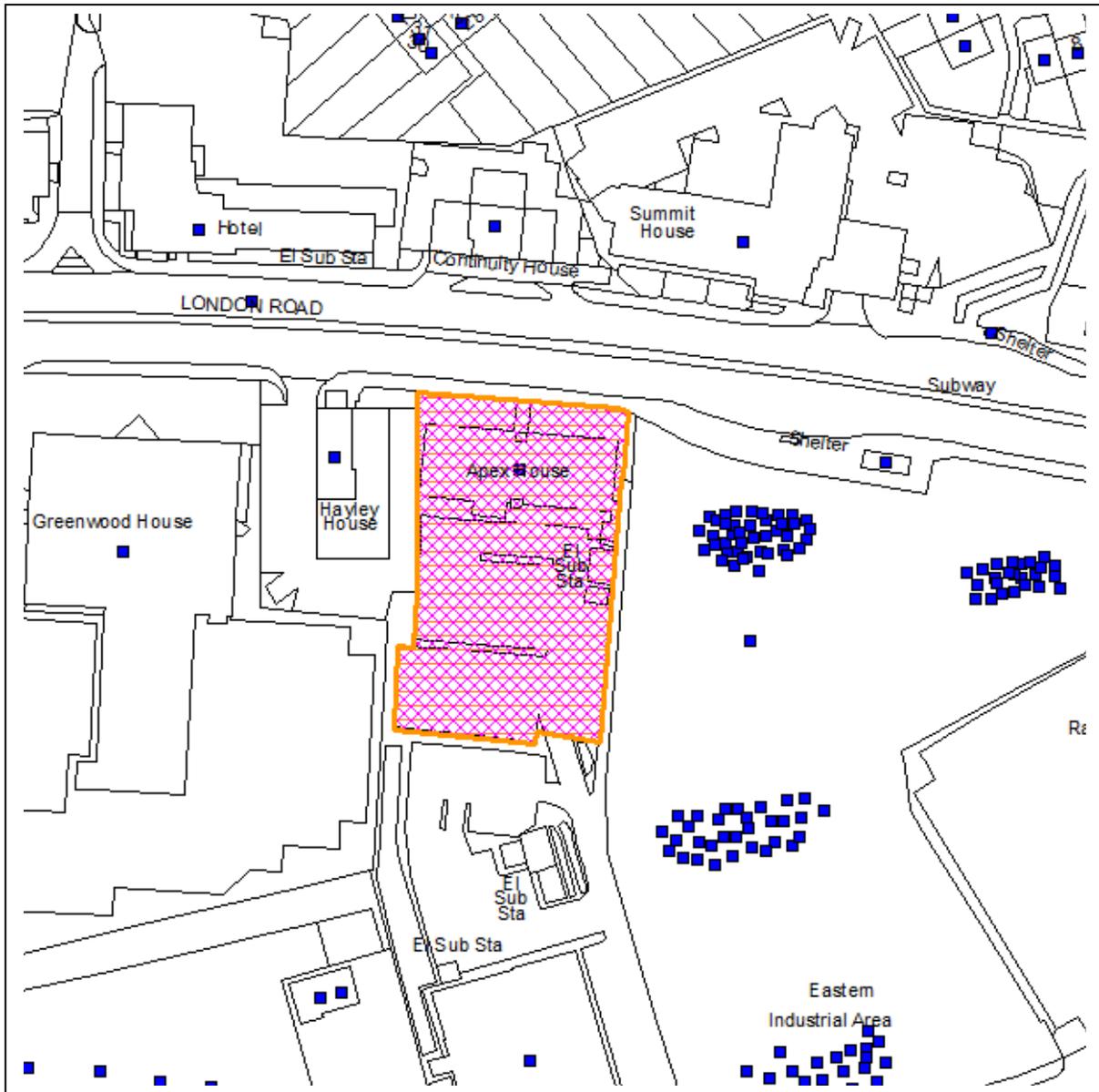


ITEM NO:			
Application No.	Ward:	Date Registered:	Target Decision Date:
16/00639/PAC	Bullbrook	24 June 2016	19 August 2016
Site Address:	Apex House London Road Bracknell Berkshire RG12 2XH		
Proposal:	Application for prior approval for the change of use of existing office (Class B1a) to residential use (Class C3) comprising 28 apartments.		
Applicant:	Skyright Ltd		
Agent:	Allen Planning Ltd		
Case Officer:	Margaret McEvit, 01344 352000 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 site from Class B1 (a) (offices) to 28 apartments comprising 10no. 1 bedroom flats and 18no. 2 bedroom flats.

1.2 The proposal would not result in contamination issues or flood issues. There would not be an adverse effect on future residents of noise from nearby commercial premises and there would be no adverse transport and highway implications.

1.3 Prior approval can therefore 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

3.1 Apex House is a three storey vacant office building and is situated to the south of London Road, with courtyard parking to the rear of the building. Whilst the site fronts on to London Road, where the main pedestrian access is, the vehicular access point to the site is off Eastern Road (to the rear). The site lies within the defined settlement. The site is in a landfill 250 metre buffer zone and is located within 5km of the Thames Basin Heaths Special Protection Area.

4. RELEVANT SITE HISTORY

13/01054/PAC	Application for Prior Approval for the change of use from Office (B1a use class) to Residential (C3 use class) providing 39 no. dwellings consisting of 3 no. 2 bedroom apartments, 13 no. 1 bedroom apartments and 23 no. 1 bedroom studio apartments.	Prior approval granted
16/00310/PAC	Application for prior approval for the change of use of existing office (Class B1a) to residential use (Class C3) comprising 28 apartments.	Prior approval refused.

5. THE PROPOSAL

5.1 Prior approval is sought for the change of use Apex House from Class B1(a) (offices) to C3 (dwellinghouses) in accordance with Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 It is proposed to convert the office floor space into 28no. flats – 10 no. 1 bedroom flats. 18no. 2 bedroom flats within the four storey building.

6. SUMMARY OF CONSULTATION RESPONSES

Highways

6.1 The Transportation Officer has no objection to the proposal and recommends that prior approval for the proposed change of use is granted.

7. PRINCIPLE OF DEVELOPMENT

7.1 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.

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

8. ASSESSMENT

8.1 Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 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.'

8.2 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.

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. 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 developer 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.

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

- The building is not on article 2(5) land and an application in respect of the development was received by the local planning authority on 24th June 2016;
- The building was used for a use falling within Class B1(a) (offices) of the Schedule to Use Classes Order on the 29th May 2013.
- 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.
- The site does not contain a scheduled monument.

Transport and highways impacts of the development

8.4 The Highway Officer considers that the proposed prior approval for change of use is acceptable. The Council's adopted parking standards require 46 parking spaces, and 6 visitor spaces for 10 no. one bed apartments and 18 no. two bed apartments. 56 parking spaces are provided to the rear of the building at present and therefore the existing parking provision on site complies with the current parking standards.

8.5 A total of 46 cycle spaces are to be provided within a double stacked bike store plus a further 15 cycle spaces for visitors (Sheffield stands) to the rear of the site. This also complies with the parking standards.

8.6 Bin storage is to be provided within the rear car park. This would be over 55 metres from the public highway at Eastern Road. A Council refuse vehicle is unlikely to access the private car park along a private access road where there is limited or no turning. Also, there does not appear to be any pedestrian access through to London Road for a refuse collector to access bins on foot from London Road. Advice should be sought from the Council's Waste Collection Team on this matter. This is not a matter that can appropriately be considered as part of a prior approval application.

8.7 The provision of 28 flats could generate in the region of 112 two-way trips over the course of a typical day with 11 or 12 movements in both the morning and evening peak periods. The current permitted office use is likely to generate greater movements than the proposed residential use.

Flooding risks on the site

8.8 The site is not within flood zone 2 or 3 and therefore is in flood zone 1. The site also does not have a critical drainage problem which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

8.9 The Environmental Health Officer who commented on the application has no concerns with the application in relation to the impact of noise from commercial premises in the vicinity of the proposed development, on the proposed future occupiers.

Other matters

8.10. 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.

8.11 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.

8.12 Further, this prior approval relates only to the use of the building. Any external alterations would require the submission of a full planning application.

9. CONCLUSION

9.1 The proposed prior approval for change of use is considered to be acceptable as adequate vehicle parking would be provided on site and the proposal would generate an acceptable amount of traffic movements. The proposal includes information to confirm that no ground disturbance would take place to enable the change of use, so no contamination issues are considered to arise as a result of the proposal. It is not considered that future residents would be adversely affected by noise from commercial properties in the area. The site is not in an area at risk of flooding.

10. RECOMMENDATION

10.1 Delegate to the Head of Planning to grant prior approval. Prior Approval is required and Prior Approval can be granted. The proposal complies with Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).