

**ITEM NO:**

Application No.  
**19/00708/PAC**  
Site Address:

Ward:  
Crowthorne

Date Registered:  
6 August 2019

Target Decision Date:  
1 October 2019

**184 Dukes Ride Crowthorne Berkshire RG45 6DS**

Proposal: **Application for Prior Approval for the change of use of Class B1(a) (Offices) to Class C3 (dwellinghouses).**

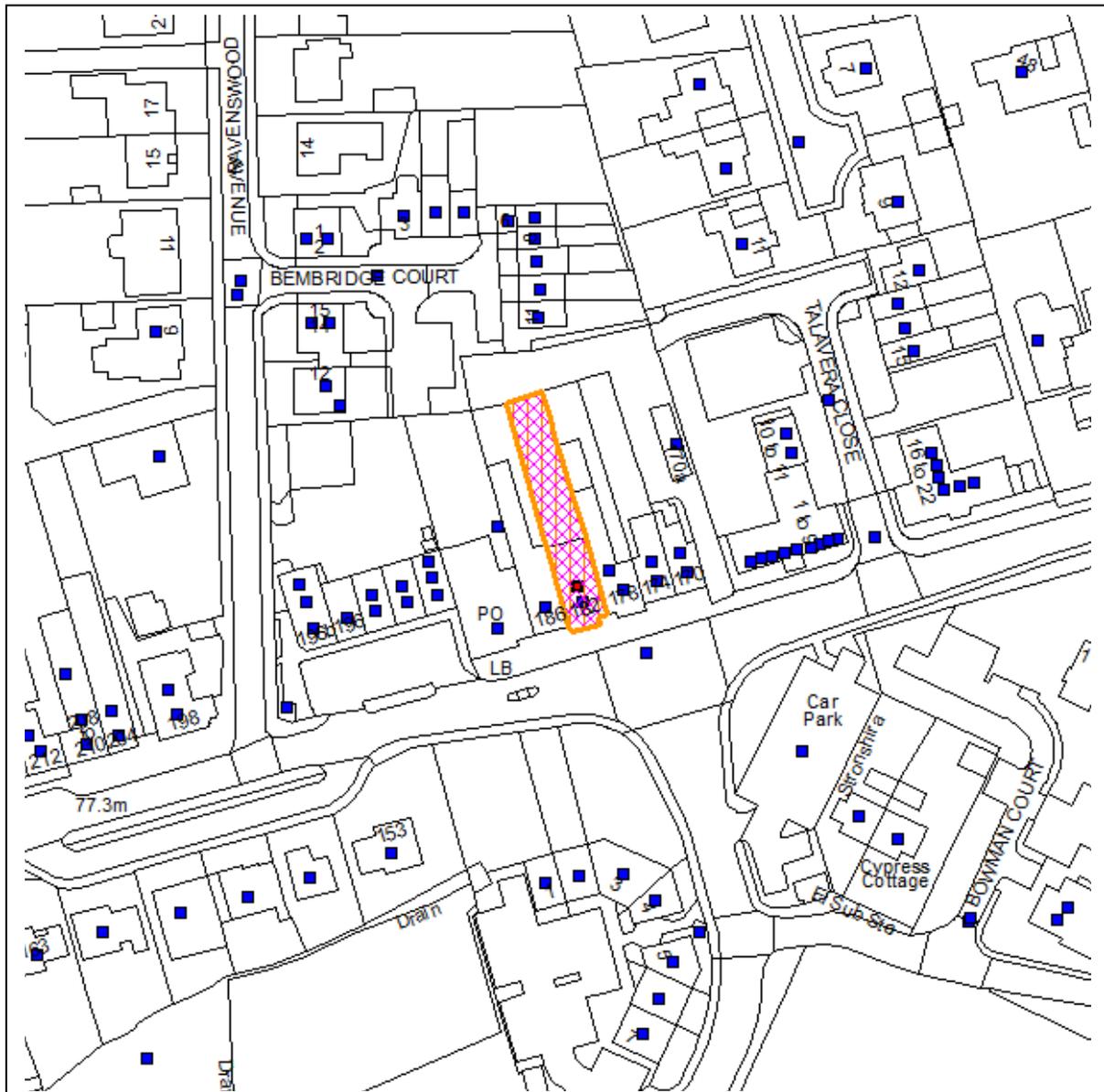
Applicant: M7 Real Estate

Agent: M7 Real Estate

Case Officer: Olivia Jones, 01344 352000

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



## **COMMITTEE REPORT 19/00708/PAC 184 DUKES RIDE**

### **1. SUMMARY**

1.1 Prior Approval is sought for the change of use of the existing office known as 184 Dukes Ride from office (B1) to a 2 bedroom flat (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). The proposal satisfies the conditions in Paragraph O.2 of this legislation in terms of highways and contaminated land. At the time of writing, comments are awaited from internal consultees in terms of flood risk and impact of noise on future occupiers. Subject to no objections from the Lead Local Flood Authority and Environmental Health, prior approval can be granted.

### **2. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within settlement boundary
Within 5km of the SPA

2.1 The site is the first floor of a two storey building located within a terrace of buildings on Dukes Ride. The first floor is currently in use as an office, and the ground floor (182 Dukes Ride) is in use as a shop (Apex Models). There is access to the first floor office from Dukes Ride and the parking area to the rear.

### **3. REASON FOR REPORTING THE APPLICATION TO COMMITTEE**

3.1 The prior approval must be determined, and a decision issued accordingly within 56 days.

### **4. RELEVANT SITE HISTORY**

4.1 The relevant site history can be summarised as follows:

17799

Change of use of first floor accommodation from residence to office  
Refused 1972

609609

Application for single storey rear extension forming store and construction of fire escape on north elevation.  
Approved 1985

613552

Change of use of first floor flat to offices (B1).  
Approved 1988

### **5. THE PROPOSAL**

5.1 Prior approval is sought for the change of use of the existing first floor unit, known as 184 Dukes Ride 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 a 2 bedroom dwelling and retain access from Dukes Ride and the parking area to the rear. 2 parking spaces currently allocated to the office will be retained for use of the flat.

## **6. REPRESENTATIONS RECEIVED**

6.1 No representations have been received from the Parish Council or the neighbouring properties at the time of writing.

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

### Highway Authority

7.1 No objection.

### Environmental Health

7.2 Awaiting comments.

### Lead Local Flood Authority

7.3 Awaiting comments.

## **8. RELEVANT LEGISLATION**

8.1 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.

8.2 Paragraph O.1 states that 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 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.

8.3 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.

8.4 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.

8.5 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.

## **9. ASSESSMENT**

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

- (a) The building is not on article 2(5) land and an application under paragraph O.2(1) was received on 6th August 2019.
- (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 curtilage of a Listed Building.
- (f) The site is not, and does not contain, a scheduled monument.

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

### **(a) Transport and Highways Impact of the Development:**

#### Access

Access to an existing parking area to the rear of the proposed flat would be via an existing private access drive, to the rear of this local shopping parade off Dukes Ride. This access is shared with other units within the parade, including residential flats, and is the access for office use within this unit. Pedestrian access to the proposed flat is provided from the lit footway along Dukes Ride.

#### Parking

A Car Parking Plan has been submitted showing the provision of two parking spaces, which would comply with the Council's parking standards for a two-bed flat. The parking spaces are on an existing area to the rear of the site, which could have been used by the existing first floor office staff, which would require at least two parking spaces to comply with the parking standards; and therefore there would be no residual impact in terms of parking requirements/standards.

#### Trips

A two-bed flat is likely to generate 4 two-way trips per day, based on typical trip rates for a flat; and this would be lower than an office use, which could generate in the region of 8 to 10 two-way trips per day.

It is therefore considered that there would be no adverse transport and highway impacts as a result of the proposed development.

### **(b) Contamination Risks on the Site**

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

### **(c) Flooding Risks on the Site**

Awaiting the comments from the Lead Local Flood Authority.

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

Awaiting the comments from Environmental Health.

**10. CONCLUSIONS**

10.1 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).

10.2 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). The proposal satisfies the conditions in Paragraph O.2 of the same legislation in terms of transport and highways considerations and contaminated land. Subject to no objections from the Lead Local Flood Authority and Environmental Health in relation to flooding risks and impact of noise from commercial properties on future occupiers, prior approval can be granted.

**11. RECOMMENDATION**

11.1 Subject to no objections from the Environmental Health or the Lead Local Flood Authority, that Prior Approval is granted with the following condition:

01. This development must be carried out in accordance with the following plans and information received by the Local Planning Authority on 6th August 2019:

- Site Plan Existing and Car Parking – Revision P1
- GA Plan Existing 01 First – Revision P1
- GA Plan Proposed 01 First – Revision P1
- Building Photographs – Revision P1
- Flood map for planning

Informative(s):

01. 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.

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

03. The applicant will need to investigate bin collection arrangements for the proposed residential use.

04. 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.
05. 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.