

## Unrestricted Report

### ITEM NO: 07

Application No.  
**23/00757/PAE**  
Site Address:

Ward:  
Crowthorne

Date Registered:  
10 November 2023

Target Decision Date:  
5 January 2024

### **Manhattan House 140 High Street Crowthorne RG45 7AY Berkshire**

Proposal: **Application to determine if prior approval is required for a proposed change of use from Commercial, Business (Use Class E) to Residential (Use Class C3) and the formation of six flats.**

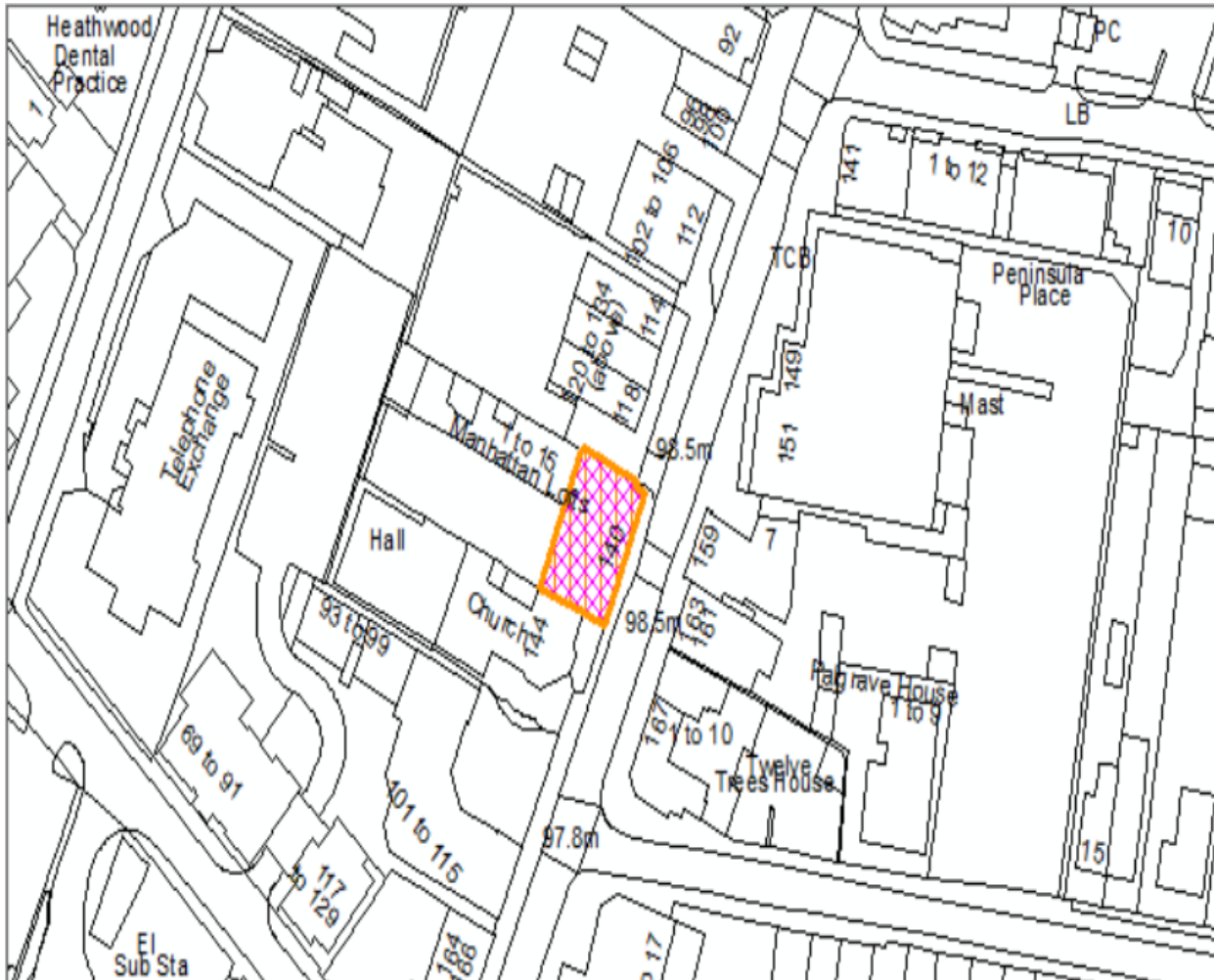
Applicant: Lisette Keats

Agent: Diane Baines

Case Officer: Shelley Clark, 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)



## **OFFICER REPORT**

### **1.0 SUMMARY**

- 1.1 This is an application for prior approval under Class MA of Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). This application is required to be determined within 56 days unless an extension of time has been agreed in writing between the applicant and Local Planning Authority.
- 1.2 Under Class MA of Part 3, a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order may be permitted development subject to the criteria and conditions set out in the class.
- 1.3 This development involves the change of use of the second and third floor of Manhattan House, 140 High Street, from office (use class E) to 6 x 1-bedroom flats and having had regard to the criteria and conditions set out in Class MA, Part 3, it is considered that prior approval be granted.

<b>RECOMMENDATION</b>
Prior Approval be granted subject to the conditions set out in Section 11 of this report.

### **2.0 REASON FOR REPORTING APPLICATION TO COMMITTEE**

- 2.1 The application has been reported to the Planning Committee following the receipt of more than 5 objections.

### **3.0 PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within Settlement Boundary
Within 5km of SPA

- 3.1 Crowthorne High Street consists of a variety of commercial uses with some residential units above and buildings varying in height between two and three storey. Manhattan House is a three storey building fronting the High Street, with two retail units on the ground floor and office accommodation on the second and third floor. To the rear of Manhattan House is Manhattan Lofts, which consists of 14 residential units, which have their own car park to the rear of the building and accessed from the High Street.
- 3.2 There is a car park to the north of the site, served by the same access. This provides parking for neighbouring ground floor uses (114-118 High Street) as well as flats above (128-134 High Street). Spaces along the western boundary of this car park are within the ownership of the applicant and are marked out as such within the car park.

### **4.0 RELEVANT SITE HISTORY**

The relevant planning history is set out below:

16/00038/FUL - Section 73 application to vary condition 2 (amended plans) of planning permission 12/0870/FUL for the change of use of ground floor from B1(Business) to form 3 x A1 retail units [for clarification this application is for the formation of 2 retail units as opposed to 3 with associated alterations]. Approved 23.03.2016

17/00250/FUL - Refurbishment of existing building for 6 flats, erection of extension to accommodate 7 additional flats. Approved 10.11.2017

19/01011/PAC - Application for Prior Approval for the change of use from office buildings to 6 no. studio units. Prior Approval Granted. 09.01.2020

19/01063/FUL - Section 73 Application for the variation of conditions 2 and 11 of planning permission 17/00250/FUL. (For clarity amendments include changes to parking layout. Approved 18.06.2020.

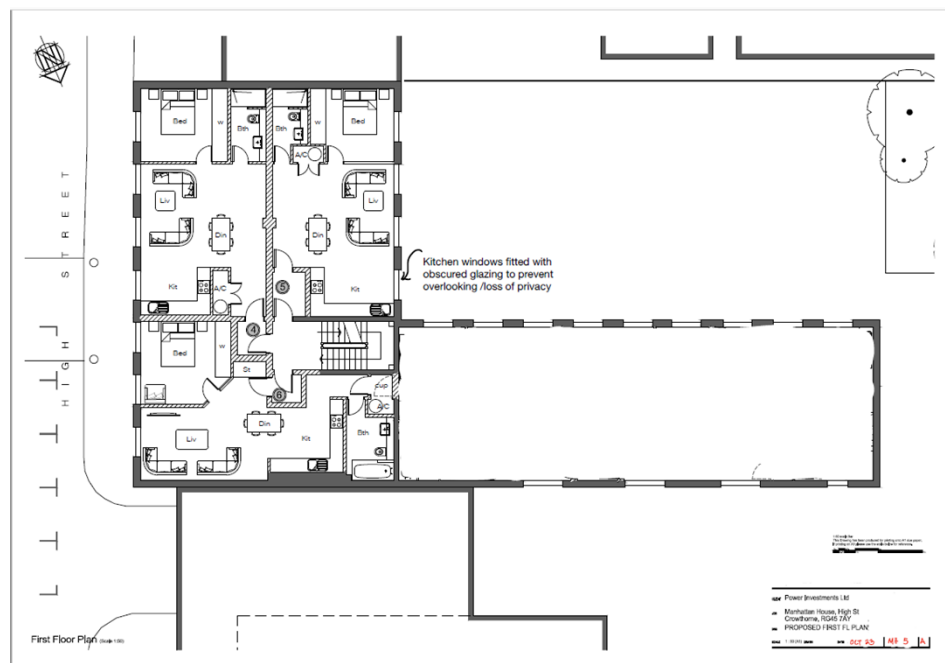
20/00169/FUL - Construction of new part third storey extension to create 1 No. 2 bed residential dwelling with associated amenity space. Approved 27.01.21.

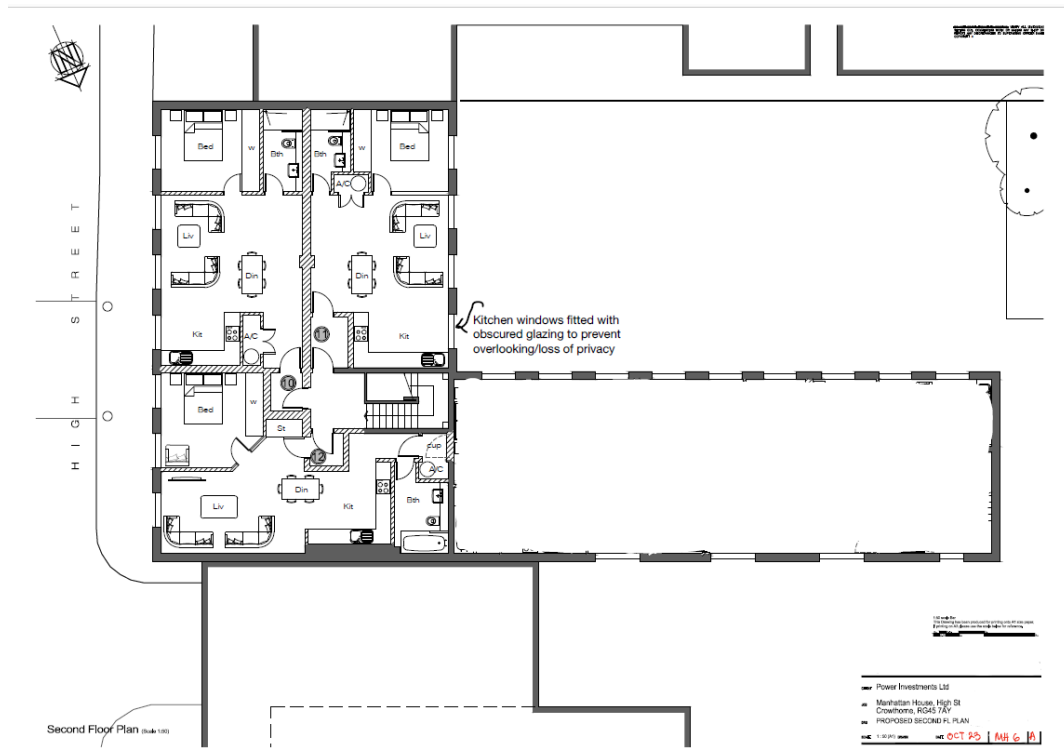
21/00223/FUL - Section 73 application to vary condition 2 (approved plans) and condition 8 (car stacker) of planning permission 20/00169/FUL for construction of new part third storey extension to create 1 No. 2 bed residential dwelling with associated amenity space [for clarification this application seeks to revise the parking layout. Approved 27.05.2021.

## 5.0 THE PROPOSAL

- 5.1 Prior approval is sought for the change of use of the first and second floor of Manhattan House from office to 6 no. 1 x bedroom flats, subject to the criteria and conditions set out within Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### Proposed Floor Plans





## 6.0 REPRESENTATIONS RECEIVED

### Crowthorne Parish Council

#### 6.1 Crowthorne Parish Council recommends refusal for the following reasons:

- The parking plan is unclear. There are no new 6 spaces defined for parking - therefore it does not adhere to the BFC Parking standards 2016.
- The visitor car parking spaces allocated, with the blue line delineating the spaces, seem to be the original car parking spaces that were planned for the previous residential applications. Every 5 units, according to parking standards, should have a visitor car parking space. There is no new visitor space planned.
- Concern over the fire safety aspect of the planned flats with obscure glazing to the windows in the kitchen; these plans do not seem to have been examined by building controls.
- With a further 6 flats and no adequate parking the danger would be that community parking would be impacted by overspill.
- The Parish Council believes there is still a commercial use and need for the office/commercial space above ground floor level

### Representations from local residents

#### 6.2 5 representations have objected to the proposal on the following grounds:

- Proposal would put a strain on the existing area which is already densely populated.
- Insufficient consideration has been given to noise disturbance.
- Insufficient consideration has been given to parking and road access.
- Could have a significant impact on the often-over-crowded spaces used by shop staff and residents.
- Current entrance to the car park is dangerous.

- Inconsiderate behaviour during the construction of Manhattan Lofts. No space for construction vehicles within the car park.
- Difficult to visit Manhattan Lofts due to lack of parking.

One letter of support has been received commenting as follows:

- Additional residential will liven up the High Street and help local businesses.

## 7.0 SUMMARY OF CONSULTATION RESPONSES

### Highway Authority:

- 7.1 Initial objection due to substandard parking spaces along the north-west corner of the application site.
- 7.2 No objection following the submission of amended plans showing a sufficient number of spaces for the existing residential units on the ground floor of Manhattan House and the proposed flats.

### Environmental Health:

- 7.3 No objection. The site is not identified as being impacted by contamination. In terms of commercial noise, the retail units on the ground floor are low risk and in terms of operating hours and noise transmission would be expected to co-exist with residential above.

## 8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

- 8.1 The primary strategic planning considerations applying to the site and the associated policies are:

<b>Development Plan</b>	
General policies	LP1, LP2
Design Considerations	LP28 Design Principles
Highway considerations and parking	LP25 and LP62
Noise and other pollution	LP58 Pollution and hazards
Flood Risk	LP33
Crowthorne Neighbourhood Plan: CR1 (High Quality Design) and CR9 (Crowthorne High Street)	
<b>Supplementary Planning Documents (SPD)</b>	
Parking Standards SPD	
Thames Basin Heath Special Protection Area SPD	
<b>Other publications</b>	
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)	
Manual for Streets	

- 8.2 Development Plan Policies, the Crowthorne Neighbourhood Plan and the NPPF are considered relevant in prior approval cases, but only insofar that they relate to the development and prior approval matters.

## 9.0 PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- Principle of development
- Transport and Highway Implications
- Contamination risks in relation to the development
- Flooding risks in relation to the development
- Impact of noise from any commercial premises on the intended occupiers of the new dwelling houses
- Provision of adequate natural light in all habitable rooms
- Impact on intended occupiers of the introduction of a residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
- Impact of the loss of any health care services
- Fire Risk
- Other issues

### Principle of development

9.2 This application seeks consent under Class MA, Part 3, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9.3 Under Class MA permitted development consists of works to change the use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

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

9.5 The table below analyses the proposal against the requirements of Class MA.

	Development is not permitted by Class MA if:	Complies?
A	A has now been OMITTED by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 and is not applicable	N/A
B	<p>unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.</p> <p>The classes mentioned in b are the following classes of the Use Classes Order—</p> <p>(a)the following classes of the Schedule as it had effect before 1st September 2020—</p> <p>(i)Class A1 (shops)</p> <p>(ii)Class A2 (financial and professional services)</p> <p>(iii)Class A3 (food and drink)</p> <p>(iv)Class B1 (business)</p> <p>(v)Class D1(a) (non-residential institutions – medical or health services)</p> <p>(vi)ClassD1(b) (non-residential institutions – crèche, day nursery or day centre)</p>	Yes – the first and second floors are in Class E use

	(vii)Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink.  (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2	
C	C has now been OMITTED by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 and is not applicable	N/A
D	if land covered by, or within the curtilage of, the building— (i)is or forms part of a site of special scientific interest; (ii)is or forms part of a listed building or land within its curtilage; (iii)is or forms part of a scheduled monument or land within its curtilage; (iv)is or forms part of a safety hazard area; or (v)is or forms part of a military explosives storage area.	Yes – it is not within any of these
E	if the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site	Yes – it is not within any of these
F	if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.	Yes
G	before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	Yes

9.6 However, under paragraph MA.2, before beginning development under Class MA, the developer must apply to the local planning authority for:

- (a) transport impacts of the development, particularly to ensure safe site access.
- (b) contamination risks in relation to the building.
- (c) flooding risks in relation to the building.
- (d) impacts of noise from commercial premises on the intended occupiers of the development.
- (e) where -
  - (i)the building is located in a conservation area, and
  - (ii)the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area.

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
- (h) where the development involves the loss of services provided by—
  - (i) a registered nursery, or
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,the impact on the local provision of the type of services lost and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Paragraph MA.3 states that development meets the fire risk condition referred to if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Paragraph (3) The height condition is that—

- (a) the building is 18 metres or more in height; or
- (b) the building contains 7 or more storeys.

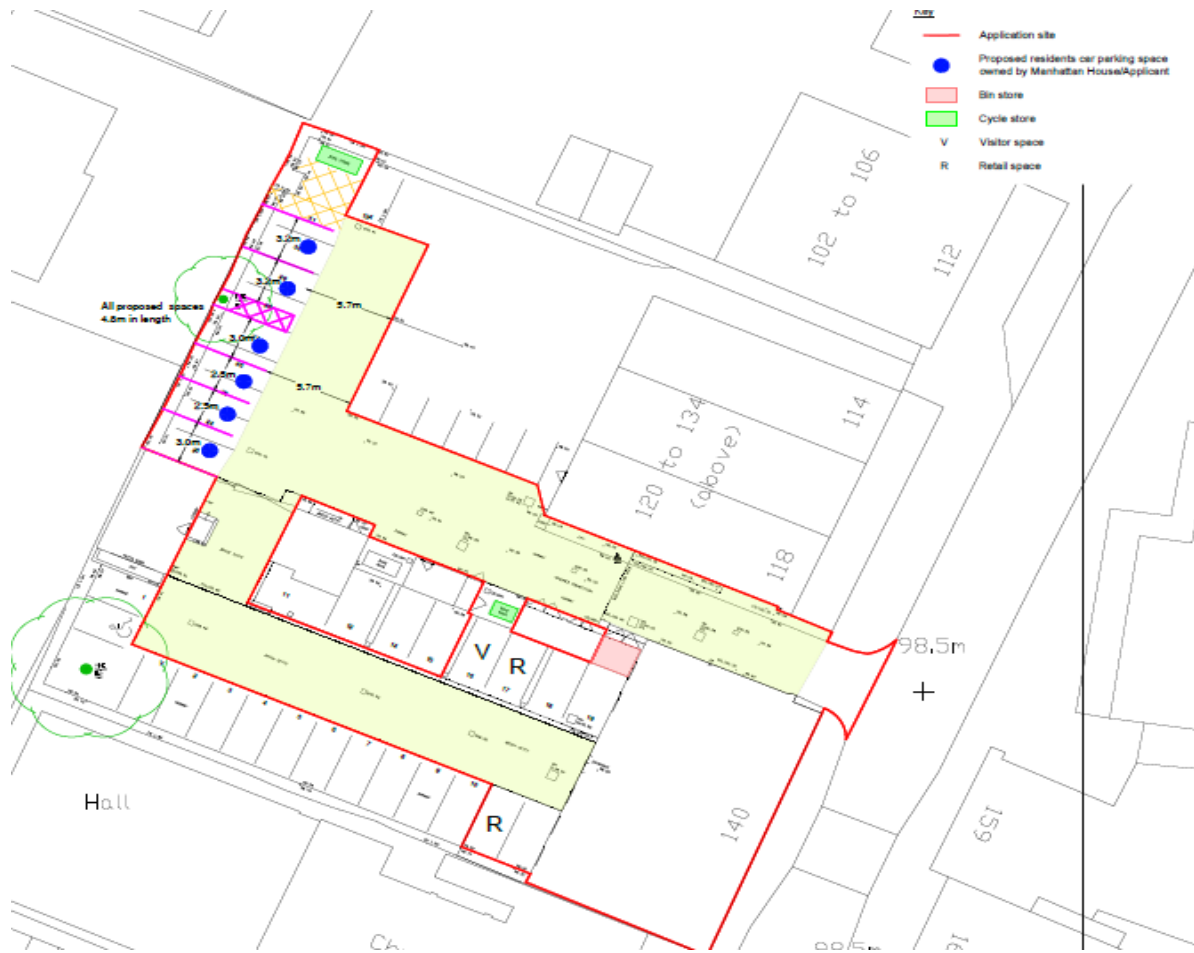
9.7 These are assessed in turn.

#### **(a) Transport and Highway Implications**

- 9.8 Table 6 of the Parking Standards SPD gives the parking requirement for 1 bedroom flats as 1 space per dwelling plus 1 space per five dwellings for visitors. This gives a parking requirement of 7 spaces for the proposed 6 flats.
- 9.9 The Highway Authority raised an initial objection to the application on the grounds that the car parking layout submitted with the application showed spaces to the north-west of the application site which were sub-standard in size and did not meet Council parking standards and that subsequently the shortfall in provision for off-road parking spaces would exacerbate existing parking issues in the area.
- 9.10 The applicant has therefore submitted an amended parking layout, with spaces allocated for both the proposed flats and ground floor retail uses in Manhattan House. 7 spaces are proposed for the proposed flats (6 spaces plus one visitor space), in accordance with the Parking Standards SPD, with spaces remaining for the retail units. The layout also shows provision for refuse storage and cycle storage for the proposed flats. Subsequently, the Highway Authority do not object to the proposal.



## Amended parking layout



- 9.11 The layout shows parking spaces to the north-west marked by dots (in blue) for the intended occupiers of the proposed 6 apartments, along with a space marked 'V' as an additional visitor space. Spaces for the retail uses on the ground floor of Manhattan House are shown with an 'R'. A refuse storage area is shown in the southern-eastern corner of the application site, which was previously used as refuse storage for the offices at Manhattan House.
- 9.12 A site visit showed that the existing sub-standard spaces in the north-west corner of the site, where the 6 spaces are proposed, was already under the ownership of the applicant (Power Investments Ltd) and that parking is also allocated for the commercial units (114-118 High Street) as well as residents of the flats at 128-134 High Street.
- 9.13 The revised proposed parking layout now shows the parking spaces to the north-west to be a sufficient size to comply with the Council's parking standards. The layout shows overwide spaces, to ensure there is sufficient turning space compliant with Manual for Streets paragraph 8.3.52.
- 9.14 The layout does not impinge on the number of parking spaces or refuse storage allocated for the residents of Manhattan Lofts, which are the 14 residential apartments approved under planning permissions 17/00250/FUL, 19/01011/PAC and 20/00169/FUL and 21/00223/FUL.

**(b) Contamination risks in relation to the building**

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

**(c) Flooding risks in relation to the building**

9.16 The application site is within Flood Zone 1 and is generally at low risk of flooding. The application is for the conversion of the first floor and second floor, which are situated above existing retail units on the ground floor. As such, there are no concerns with regards to the risk of flooding. The site is considered to be at low risk of flooding, such that the Sequential Test is not required.

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

9.17 Due to the nature of the surrounding uses it is not considered that there would be an adverse noise impact on future occupiers. In terms of commercial noise, the retail units on the ground floor are low risk and in terms of operating hours and noise transmission would be expected to co-exist with residential above.

**(e) The provision of adequate natural light in all habitable rooms of the dwellinghouses.**

9.18 All of the habitable rooms to the proposed new residential units have external windows of a suitable size providing adequate natural light into each habitable room. There are no objections on these grounds.

**(f) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.**

9.19 As above there are no objections from the Environmental Health Officer given the mix of commercial and residential uses already in the area.

**(g) where the development involves the loss of services provided by—**

**(i) a registered nursery, or**

**(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,**

**the impact on the local provision of the type of services lost.**

9.20 The development does not involve the loss of these services.

**(h) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.**

9.21 The development does not meet the fire risk condition.

## **Other Issues**

### Thames Basin Heaths SPA

- 9.22 The application site is within 5km of the SPA.
- 9.23 The Local Planning Authority has undertaken an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the applicant will be required to enter into a legal agreement to secure the relevant mitigation.

### Air Quality

- 9.24 The Crowthorne Neighbourhood Plan Policy CR9 requires proposals for new development to demonstrate how air quality improvement will be achieved. This matter falls outside the considerations set out within the GPDO and therefore cannot be a consideration of this application.

## **10.0 CONCLUSIONS**

- 10.1 Therefore it is recommended that Prior Approval is required and should be granted.

## **11.0 RECOMMENDATION**

- 11.1 That Prior Approval is GRANTED with the following conditions–

01. Development under Class MA, 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 date of the prior approval.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 13th November 2023 and 7th March 2024 namely:

MH1  
MH2  
MH 3A  
MH 4A  
MH 5A  
MH 6A  
MH 7A

159512- 001 Rev A Proposed Parking Layout received 7th March 2024

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No dwelling shall be occupied until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing (159512-001 Rev A) providing six car parking spaces for residents (marked with a blue circle), one visitor space (marked V) and two replacement spaces for the ground floor retail uses (marked R). The spaces and turning areas shall thereafter be kept available for parking and turning for the marked uses at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: Bracknell Forest Local Plan policies LP25 and LP62]

04. The development shall not be occupied until six secure and covered cycle parking spaces have been provided in the locations identified for cycle parking on the approved plan (159512-001 Rev A) within the development. The cycle parking spaces and facilities shall thereafter be retained.

REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: Bracknell Forest Local Plan policies LP25 and LP62]

#### Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Your attention is drawn to the conditions under Schedule 2, Part 3, Class MA, of the GPDO, which must be complied with. These include a requirement to complete the proposal within 3 years of the date of the prior approval and that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
03. 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 (SPA) cannot be approved under the Conservation of Habitats and Species Regulations 2017 (as amended) 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 SPA. Your development is located between 400m and 5km of the SPA. It is important to note that this decision does not override other legislation and therefore the applicant/owners of the land must still enter into a Section 106 planning obligation to provide financial contributions towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) as identified.

Please note that the offer of SANG capacity applies for 3 months from the date of the prior approval decision. If there is no application under the Habitats Regulations by then, the Council will reconsider whether or not to offer its SANG capacity for this development. In that event the developer must still make an application and secure a third party SANG solution by private contract and enter into a Section 106 Agreement with the Council to tie the purchased SANG capacity to the application.

04. Notwithstanding the wording of Bracknell Forest Council's Parking Standards SPD, the Building Regulations part S "Infrastructure for the charging of electric vehicles" 2021 edition took effect on 15 June 2022 for use in England. The applicant should familiarise themselves with, and comply with, the requirements of this document with regard to provision of electric vehicle charging infrastructure.