

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251301
Site Address:	Unit 1, Cutbush Court, Danehill, Earley, RG6 4UW
Expiry Date:	31 July 2025
Site Visit Date:	10 June 2025
Proposal: Prior approval submission for proposed change of use of the commercial premises to 6 no. dwellings.	

PLANNING CONSTRAINTS/STATUS

Bat Roost Habitat Suitability
Scale and Location of Development Proposals – Earley (Major Development Location)
Great Crested Newt Consultation Zone – Amber Risk Zone
Nuclear Consultation Zone – 12km Zone
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – 7km Linear Mitigation Zone

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
Section 57	Planning permission is needed for all development of land.
Section 187a	Enforcement for breach of conditions

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
Article 3	In conjunction with Schedule 2, Part 3, Class MA grants planning permission for the change of use of a building and any land within its curtilage 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.
Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3

PLANNING HISTORY

Application No.	Description	Decision & Date
170086	Prior approval submission for the conversion of existing office to 6 residential flats (Unit 3 Cutbush Court)	Approved 28/02/2017

181141	Prior approval submission for the conversion of existing office to 6 residential flats (Unit 2 Cutbush Court)	Approved 14/06/2018
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CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments received
WBC Drainage – No objections
WBC Highways – No objections
WBC CIL – Development is CIL liable

External

None consulted

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

PART MA.1 APPRAISAL

			Yes	No
s.55	1	Does it constitute development?	✓	
s.191	2	Would it be contrary to an enforcement notice?		✓
s.187a Art.3 (4)	3	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
Art.3 (5)	4	Are the building operations involved in the construction of the original building lawful?	✓	
Art.4	5	Is there an 'Article 4 Direction' in effect for the site?		✓
Sch.2 Pt. MA	6	Does it consist of a change of use from a use falling within Class E (commercial, business and service) to a dwellinghouse?	✓	
MA.1(1)(b)	8	Has the use of the building fallen within Class E (commercial, business and service) for a continuous period of at least 2 years prior to the date of the application for prior approval?	✓	
MA.1(1)(d)	10	Is the land covered by, or within the curtilage of, the building (i) In a site of special scientific interest; (ii) A listed building; (iii) A schedule monument; (iv) In a safety hazard area; or (v) In a military explosives storage area?		✓
MA.1(1)(e)	11	Is the building within (i) An area of outstanding 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?		
MA.1(1)(f)	12	Is the site occupied under an agricultural tenancy?		✓
MA.1(1)(g)	13	Before 1 August 2022, (i) The proposed development is of a description falling within Class O as that Class had effect immediately before 1 st 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?		N/A

Site Description:

The application site consists of a three-storey commercial unit that forms part of Cutbush Court, located adjacent to Cutbush Park Industrial Estate in Danehill, Earley.

Application Description:

This application seeks approval for the proposed change of use of the building to 6no. 1-bedroom studio flats.

PART MA.2 APPRAISAL

Development under Class MA is permitted subject to the developer applying to the local planning authority for a determination as to whether the prior approval will be required as to –

(a) Transport impacts of the development, particularly to ensure safe site access

WBC Highways have no objections to the proposals and their impact on Highway Safety. At least six parking spaces are available for the six one bedroom flats proposed, as well as cycle and bin storage in appropriate locations.

Overall, the proposals would have no notable transport impacts and complies with MA.2 (a).

(b) Contamination risks in relation to the building

Section 78A(2) of Part 2A of the Environmental Protection Act 1990(a) states that 'contaminated land' is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that (a) significant harm is being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

The site is not located within a potentially contaminated area and therefore the proposals comply with M.A (b).

(c) Flooding risks in relation to the building

The building is located within Flood Zone 1 with low risk from surface water flooding. No external works are proposed and as such the Council's Drainage and Flood Risk Officer has raised no objection to the proposals.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

The rear elevation of the application building faces onto Lower Earley Way (B3270) and also the M4. These roads have 50mph and 70mph speed limits respectively. As such, the noise impacts of the roads' usage on the amenities of the occupiers of the proposed flats must be assessed.

Immediately adjacent to the building's rear elevation is a dense, 8 metre deep tree line. During the spring and summer months, the coverage provided by the vegetation would provide a legible amount of noise suppression for the flats. However, this would notably lessen in the Autumn/winter due to the deciduous nature of the trees.

Similarly, there is an approx 20 metre deep tree line between the application site and the M4. Noise suppression would again be legible in the spring/summer months but would significantly lessen in Autumn/winter.

Aside from the noise impacts from adjacent road users, the eastern elevation of the application building also faces towards a commercial unit within the Cutbush Park Industrial Estate.

No noise impact assessment has been submitted with this application. Despite this, it is not considered that there would be an adverse impact on the occupiers of the flats providing appropriate noise insulation measures to ensure the dwellings meet a minimum rating of 'good' in relation to BS8233 sound insulation and noise reduction for living accommodation.

Potential mitigation measures are likely to include double or triple glazing and mechanical ventilation. Without them, it is unlikely that the development can ensure that all noise implications are mitigated so that internal ambient noise levels for the dwellings are acceptable. Therefore, mitigation details will be secured via a pre-commencement condition to satisfy the requirements of Class MA(d).

(e) The impact of that change of use on the character or sustainability of the conservation area

This is not applicable as the site is not located within a Conservation Area.

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

The flats proposed are all studio flats, meaning there is one single, open habitable space for all of the units (with the exception of storage and bathrooms). Each flat would have habitable windows on the northern, eastern and southern elevations.

The southern elevation of the building would have notable shading from the adjacent tree line but this is not considered adverse, particularly due to the fact the eastern and northern windows would be unaffected by this. Overall, the lighting provision from the eastern and northern fenestration would ensure adequate natural light for the occupiers of the flats.

The development therefore complies with M.A (f).

Other conditions of MA.2 (g-i)

These are not applicable in this case as the site is not within an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and the change of use will not impact on the local provision of registered nurseries or health centres. The development does not meet the fire risk condition.

And the provisions of paragraph W (prior approval – where relevant)

The application must be accompanied by—

a written description of the proposed development, which, in relation to development proposed under Class C, M, MA, N or Q of this Part, must in the same application include any building or other operations;

A plan indicating the site and showing the proposed development.

in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in sqm of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

the developer’s contact address;

the developer’s email address if the developer is content to receive communications electronically; and

where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment,

Together with any fee required to be paid.

A written description as contained in the application form and supporting planning

statement along with the relevant plans, assessments, fee and contact details. Contact details were provided and the correct fee was paid.

Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses

The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or*
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to the development in question.*

It is possible to assess the application based on the details provided.

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;*
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and*
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.*

The Council's Highways Officer raises no objection on highways or traffic grounds. There is no increase for on-site parking spaces and as such, there is unlikely to be any increase in traffic generation.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency(8) where the development is in an area within Flood Zone 1 which has critical drainage problems and 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 Procedure Order.

The Council's Drainage Officer has no objection to the proposal. The Environment Agency do not need to be consulted.

The local planning authority must give notice of the proposed development by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which describes the proposed development; provides the address of the proposed development; specifies the date by which representations are to be received by the local planning authority; or by serving a notice in that form on any adjoining owner or occupier.

Letters were sent to neighbouring properties on 15th August 2024.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated; or details of proposed building or other operations.

In relation to sub paragraph (3), this is noted.

The local planning authority must, when determining an application, take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and in relation to the contamination risks on the site, determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and if they determine that the site will be contaminated land, refuse to give prior approval.

No representations have been received.

Class MA is also subject to the following requirements:

- (a) development under Class MA, if any, must be completed within a period of 3 years starting with the prior approval date; and*
- (b) any building which has changed use under Class MA 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.*

These are noted.

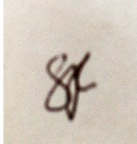
The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Yes
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Recommendation:	Approval
Date:	2 July 2025
Earliest date for decision:	26 June 2025

Recommendation agreed by: (Authorised Officer)	
Date:	3.7.25