

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                                                                                                                |                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>Application Number:</b>                                                                                                                                                                     | 242194                                            |
| <b>Site Address:</b>                                                                                                                                                                           | 59 Crockhamwell Road, Wokingham, Woodley, RG5 3JP |
| <b>Expiry Date:</b>                                                                                                                                                                            | 22 October 2024                                   |
| <b>Site Visit Date:</b>                                                                                                                                                                        | 6 September 2024                                  |
| <b>Proposal:</b> Prior approval submission for proposed change of use of the commercial premises on the first floor (Units 2 and 3) to 3 no. dwellings, with associated ground floor entrance. |                                                   |

### **PLANNING CONSTRAINTS/STATUS**

Scale and Location of Development Proposals – Woodley (Major Development Location)  
Great Crested Newt Consultation Zone – Green Risk Zone  
Ground Water Zones  
District Town and Local Centres  
Nuclear Consultation Zone – 12km Zone  
Primary Shopping Area  
Public Open Space  
Landscape Character Assessment Area  
Land Terrier  
SSSI Impact Risk Zones

### **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 |
|-----------------|-------------|-----------------|
|-----------------|-------------|-----------------|

|        |                                                                                                                                                                                                                                                           |                                          |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 221522 | Prior approval submission for the proposed addition of 2 no. additional storeys (second floor and roof space) to the existing terraced commercial building to provide 9 no. residential units.                                                            | Refused<br>04/07/2022                    |
| 222868 | Prior approval submission for the proposed addition of 1 no. additional storey to the existing terraced commercial building to provide 5 no. residential units.                                                                                           | Approved<br>18/10/2022 (Not Implemented) |
| 223566 | Full application for the proposed removal of the existing roof and the erection of two additional storeys to provide 9 no. dwellings, together with associated external alterations, changes to fenestration and the erection of refuse and cycle stores. | Approved<br>25/04/2023 (Not Implemented) |
| 241410 | Full application for the proposed fenestration changes including the insertion of additional windows and an entrance door.                                                                                                                                | Approved<br>25/07/2024                   |

## CONSULTATION RESPONSES

### Internal

WBC Environmental Health – No objections subject to condition(s)  
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<br>Art.3 (4) | 3 | Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?    |     | ✓  |
| Art.3<br>(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<br>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 <ul style="list-style-type: none"> <li>(i) In a site of special scientific interest;</li> <li>(ii) A listed building;</li> <li>(iii) A schedule monument;</li> <li>(iv) In a safety hazard area; or</li> <li>(v) In a military explosives storage area?</li> </ul>                                                                                                                                                                     |   | ✓   |
| MA.1(1)(e) | 11 | Is the building within <ul style="list-style-type: none"> <li>(i) An area of outstanding beauty;</li> <li>(ii) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;</li> <li>(iii) The Broads;</li> <li>(iv) A National Park; or</li> <li>(v) A World Heritage Site?</li> </ul>                                                                                                                                                      |   | ✓   |
| MA.1(1)(f) | 12 | Is the site occupied under an agricultural tenancy?                                                                                                                                                                                                                                                                                                                                                                                                                                                     |   | ✓   |
| MA.1(1)(g) | 13 | Before 1 August 2022, <ul style="list-style-type: none"> <li>(i) The proposed development is of a description falling within Class O as that Class had effect immediately before 1<sup>st</sup> August 2021; and</li> <li>(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?</li> </ul> |   | N/A |

#### Site Description:

The application site currently consists of three 3-storey terraced retail units located on Crockhamwell Road. The units' frontages face onto Woodley Town Centre's main pedestrianised walkway, with the ground floors being utilised as the main retail/commercial space for the three existing units, the first floors being used as storage areas, and the second floors simply being used as loft space.

The building itself is of brick construction with a large, hip to crown roof form at its ridge lined with clay tiles. Notable features include a large three storey gable protrusion on its front façade and an extensive first floor flat roof terrace to the rear with an associated gable roofed stairwell. The rear parking area is currently used in association with the ground floor units (deliveries, staff parking etc).

The site is located within the heart of Woodley Town Centre and therefore is surrounded by extensive 20<sup>th</sup> century buildings with varying roof forms ranging from

flat roofs, elongated hips to large crown roofs. The majority of the buildings that line both sides of Crockhamwell Road are at least 3-4 storeys in height. Overall, there is little architectural uniformity to the Town Centre.

To the immediate west (rear) of the site lies Lytham Road and a number of residential dwellings, largely single storey in height. To the north lies the main Woodley Town Centre Square, a handful of residential dwellings and Woodford Park. To the immediate east lies Waitrose and associated parking area, as well as an athletic track and two sports pitches. The south of the site is dominated by dense urban layout of residential dwellings.

**Application Description:**

This application seeks approval for the proposed change of use of the commercial premises on the first floor (Units 2 and 3) to 3 no. dwellings, with associated ground floor entrance.

**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**

Each dwelling would have 1no. allocated parking space in the existing rear parking courtyard that would utilise the existing access. This is acceptable. The bin and cycle storages are consciously sited to avoid conflict with the existing and proposed parking areas.

Overall, there are no anticipated adverse transport impacts. Compliance with the bin and cycle stores will be secured via condition.

**(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 does not fall within a potentially contaminated land consultation area. As such, the Council's Environmental Health Officer has indicated that they have no objection to the proposal. It is therefore acceptable in this regard.

WBC Environmental Health have requested a condition ensuring details of waste and surface water management are secured prior to the commencement of development. This will be attached to the decision notice.

**(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**

Unit 1 would face the rear parking area for the 3no. flats proposed and the parking for the ground floor commercial units. The set back from the parking area and roadside to the west (aided by the shared roof terrace) would adequately overcome any adverse noise impacts on the occupiers of the dwelling.

With regards to the ground floor commercial units, dwellings above such uses are common in urban areas such as this and are unlikely to have any adverse noise impacts on the properties above.

Units 2 and 3 would face Crockhamwell Road, aka the main pedestrian promenade through Woodley Town Centre. Noise from pedestrians and the commercial uses below would largely be limited to the daytime hours of the day and are unlikely to have an adverse noise impact on the occupiers of the dwellings. Outside of these hours, the lack of activity from the commercial units and subsequent reduction in pedestrian traffic would have an acceptable impact on the occupier's amenities by reason of noise.

WBC Environmental Health have also raised no objections in these regards, subject to compliance with the separating floor construction details given in the submitted Environmental Noise Survey and Noise Impact Assessment Report.

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

The site does not fall within a Conservation Area and therefore this criteria is not relevant.

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

Unit 1 would have exclusively west facing fenestration; bedroom 1 would have one two windows, bedroom 2 would have one central window and the main living/kitchen space would have large french doors and a smaller window to the side. The adequate amount of fenestration proposed would receive an acceptable amount of natural sunlight in the afternoon to evening hours of the day.

Unit 2 would have three windows serving its kitchen/living area and two windows would serve the bedroom. Unit 3 (studio) would have four large windows serving the space. Natural sunlight would be received during the morning/early afternoon and would be of an acceptable level due to the amount of fenestration proposed.

Overall, all of the dwellings would receive an adequate provision natural light in all of its habitable rooms, to the detriment of the occupiers' amenities. The proposals therefore comply with MA.2(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 29<sup>th</sup> 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**

|                                    |                           |
|------------------------------------|---------------------------|
| <b>Conditions agreed:</b>          | Yes                       |
| <b>Recommendation:</b>             | Prior Approval - Approval |
| <b>Date:</b>                       | 8 October 2024            |
| <b>Earliest date for decision:</b> | 19 September 2024         |

|                                                               |                   |
|---------------------------------------------------------------|-------------------|
| <b>Recommendation<br/>agreed by:<br/>(Authorised Officer)</b> | <i>MC</i>         |
| <b>Date:</b>                                                  | <b>09.10.2024</b> |