

ITEM NO: 7

Application No.
18/01035/FUL
 Site Address:

Ward:
 Crowthorne

Date Registered:
 22 October 2018

Target Decision Date:
 17 December 2018

Birch Place Dukes Ride Crowthorne Berkshire

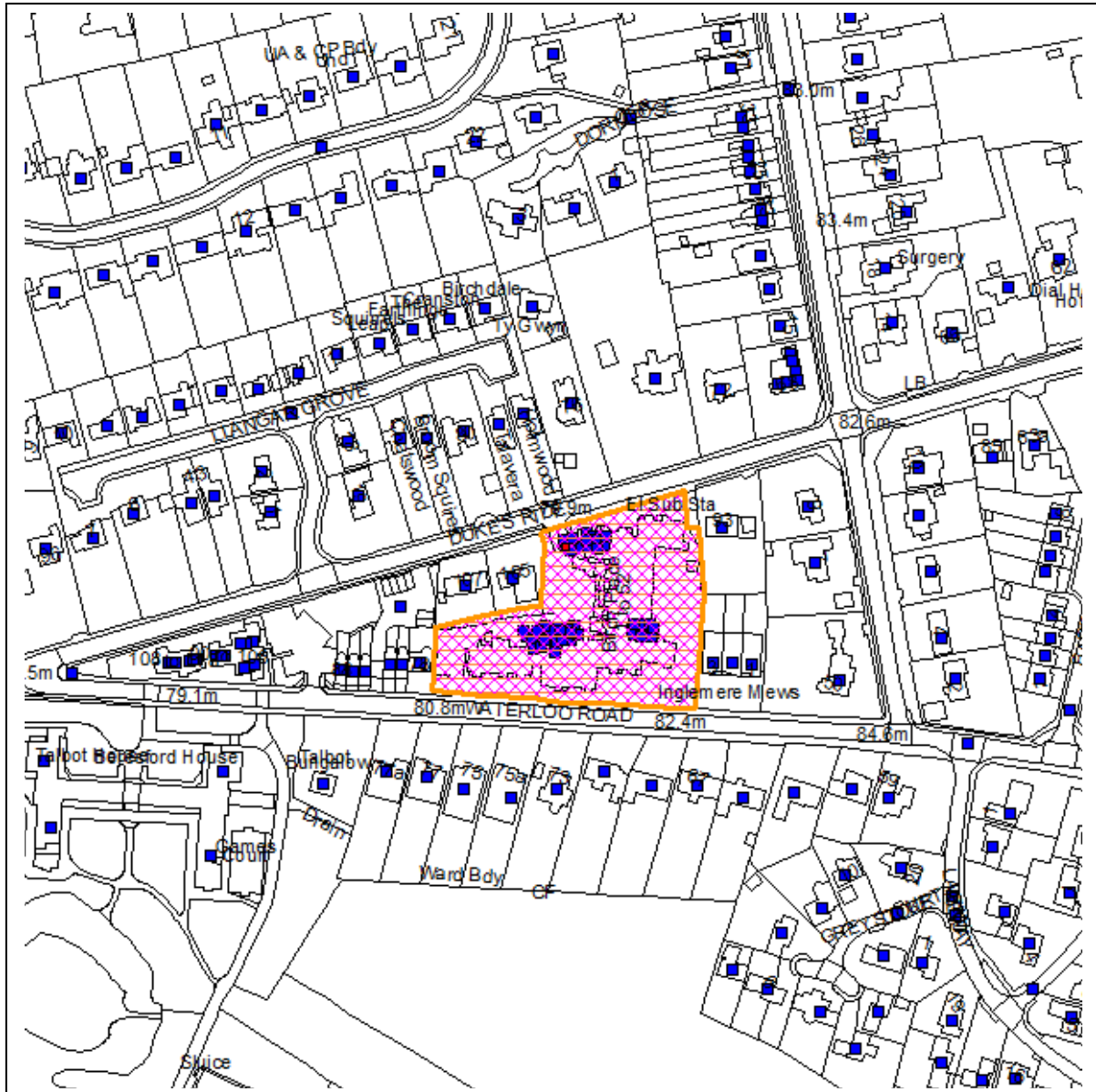
Proposal: **Erection of gazebo (retrospective.)**

Applicant: Your Life Management Services Ltd.

Agent: Mr Matthew Shellum

Case Officer: Michael Ruddock, 01344 352000
development.control@bracknell-forest.gov.uk

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



OFFICER REPORT

1. SUMMARY

1.1 The proposed development is for the erection of a gazebo within the grounds of Birch Place, Dukes Ride, Crowthorne.

1.2 The proposed development relates to a site within the settlement boundary and it is not considered that the development would result in an adverse impact on the character and appearance of the area, residential amenity, highway safety or protected trees.

RECOMMENDATION

Unconditional approval of the application is recommended.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee as more than five objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Defined Settlement

3.1 Birch Place is a development of 51 assisted living apartments (C2 use) that have recently been constructed on the site of the former Waterloo Hotel. The site is located on land between Dukes Ride and Waterloo Road, with access from Dukes Ride. It is bordered by residential properties to the west and east. It is noted that a group of trees located to the site boundary with Waterloo Road are protected by TPO 1191.

3.2 The area of the site specific to the application is towards the eastern boundary of the site with No.93 Dukes Ride. As approved it is a courtyard garden and soft landscaped area.

4. RELEVANT SITE HISTORY

4.1 Relevant planning history for the site is summarised as follows:

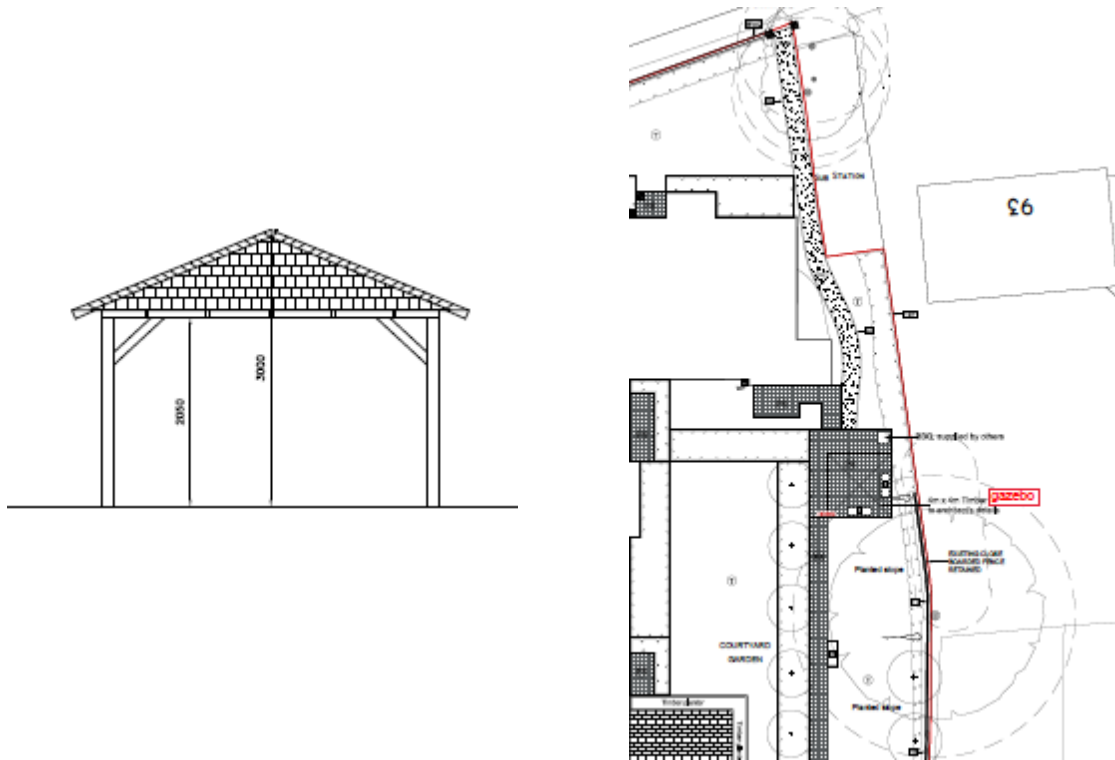
Application 15/00440/FUL - Demolition of existing buildings and redevelopment to form 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping - APPROVED (With Legal Agreement) 2016

Application 16/00943/FUL - Section 73 application for variation of condition 11 of planning permission 15/00440/FUL to regularise work carried out on site (this planning permission provides for redevelopment of the site to form 51 Assisted Living apartments (C2 use) for frail older persons including communal facilities, parking provision and associated landscaping), revision of conditions 02, 04, 08, 09, 14, 15, 16, 17, 18, 19, 24, 25 and 26 of that permission and minor material amendments to the internal and external design of the proposed building – APPROVED (With Legal Agreement) 2016

Application 18/00079/COND - Details pursuant to conditions 09 (landscaping), 12 (lighting) and 26 (sustainable drainage scheme) of planning permission 16/00943/FUL – APPROVED 2018

5. THE PROPOSAL

5.1 The proposed development is for the retention of a gazebo located within the courtyard garden between the eastern elevation of Birch Place and the site boundary with No.93 Dukes Ride. The gazebo has a width and depth of 3.64m, and a hipped roof with a maximum height of 3m. The structure is wooden with the roof finished with felt tiles.



5.2 At the time of the site visit it was noted that an outdoor barbeque has been installed within the gazebo, along with table and chairs. However although the gazebo structure itself requires planning permission, such an ancillary installation does not require planning permission.

6. REPRESENTATIONS RECEIVED

Crowthorne Parish Council:

6.1 Recommend refusal for the following reasons:

- The development would be overbearing and would result in a loss of privacy to No.93 Dukes Ride.
- Unacceptable noise and disturbance resulting from the development, as it is 1m from the boundary with No.93 Dukes Ride.
- Smells and odours from the barbeque. The sales site declares: stunning landscaped gardens available all year-round. There was no barbeque area there previously - the boundary fence of no. 93 abutted the car park of the Waterloo Hotel.
- Loss of trees – the Robinia which is shown on the boundary with No.93 has not existed for over a year since it was cut down by the developer.

[OFFICER COMMENT: Whilst it is noted that the tree is no longer in place, it was not protected and appears to have been cut down lawfully.]

- Inappropriate landscaping – the discharge of conditions application specified vegetation and tree maintenance made no mention of additional permanent structures.

[OFFICER COMMENT: The application is different to the approved landscaping layout and will be assessed on its own merits.]

Other representations:

6.2 Six letters of objection were received from neighbouring residential properties. The reasons for objection can be summarised as follows:

- Impact on residential amenity through additional noise and smells and close proximity to the boundary with No.93. Barbeque and associated structure would serve the needs of 50+ people and their guests.
- Site is already over-developed.
- Development was not shown on the original plans and is retrospective.
- It is not obvious from the submitted documents where the gazebo is located.
- Proposal includes a new pedestrian entrance from Dukes Ride which was not shown on the previous plans. This would cause additional noise and disturbance.

[OFFICER COMMENT: The current application is for the gazebo only. This path was shown on the plans approved under application 18/00079/COND]

7. SUMMARY OF CONSULTATION RESPONSES

Environmental Health Officer

7.1 No objection

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design and Character	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policies EN20, EN25 of BFBLP	consistent
Effect on Trees	Saved policy EN20 of BFBLP	consistent
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), Design SPD, Parking Standards SPD	

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii. Impact on residential amenity
- iv Effect on Trees
- v Community Infrastructure Levy

i. Principle of the development

9.2 The site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Due to its location and nature, the proposal is considered to be acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF subject to no adverse impacts upon the character and appearance of the surrounding area, residential amenities of neighbouring properties, trees etc. These matters are assessed below.

ii. Impact on the character and appearance of the area

9.3 Although the structure is located within the site, it would be visible from outside the site and therefore could have an impact on the streetscene. The gazebo is open sided with a hipped roof to a maximum height of 3m, and it is not considered that such a structure is an overly prominent feature. Furthermore it is not excessive in size and it is not considered that it would appear out of keeping with the character and appearance of the area.

9.4 The gazebo has a footprint of 13.2 square metres which in the context of the overall site area is not considered to be significant. As such it is not considered that the erection of the gazebo has resulted in an overdevelopment of the site.

9.5 It is therefore not considered that the retention of the gazebo would result in an adverse impact on the character and appearance of the area. It would therefore not be contrary to CSDPD Policy CS7, BBFLP 'Saved' Policy EN20 or the NPPF.

iii. Impact on residential amenity

9.6 Due to the location of the gazebo it is considered that the only neighbouring property that could be affected is the adjoining property of No.93 Dukes Ride. The properties are separated by a 1.8m high close boarded fence and the gazebo has a height of 3m. As such only the top 1.2m of the gazebo is visible from the neighbouring property. It is not considered that this would result in such an unduly overbearing effect on the rear of the neighbouring property that refusal of the application would be warranted.

9.7 The gazebo is visible from the rear facing windows at No.93, however it is located approximately 10m away and at a height of 3m it is not considered that it would result in an unacceptable loss of light to the neighbouring property. Furthermore the development would not result in an unacceptable loss of privacy to the neighbouring property through overlooking.

9.8 Concerns have been raised that the development would result in an unacceptable level of noise and disturbance to the neighbouring property at No.93 as a result of the barbeque that has been installed along with the gazebo. However a barbeque in itself does not require planning permission and therefore could be sited in this location in any event. It is acknowledged that the gazebo may facilitate an increase in use of the barbeque however it is not considered that this would warrant refusal of the application when the barbeque could be sited in this location without permission. In any case, the Council's Environmental Health Team has been consulted on the application and have no objection to the proposals. They note the concerns from neighbours regarding noise and disturbance and suggest that these concerns could be addressed through statutory nuisance provisions.

9.9 It is therefore not considered that retention of the gazebo would result in an unacceptable impact on residential amenity. The development is therefore not considered to be contrary to BFBLP 'Saved' Policies EN20 and EN25 or the NPPF.

iv. Effect on Trees

9.10 It is noted that protected trees are located on the southern site boundary with Waterloo Road however these are located over 40m from the site of the gazebo and are not affected by the development. Although it is acknowledged that a tree that is shown on the plans has recently been removed, this tree was not protected and its removal did not require permission.

9.11 It is therefore not considered that the retention of the gazebo would result in an adverse impact on protected trees. The development therefore not considered to be contrary to BFBLP 'Saved' Policy EN1 or the NPPF.

v. Community Infrastructure Levy

9.22 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.23 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The development is not CIL liable.

10. CONCLUSIONS

10.1 The proposed development relates to a site within the settlement boundary and is therefore acceptable in principle. The retention of the gazebo would not adversely affect the character and appearance of the surrounding residential area, the residential amenities of neighbouring properties or protected trees.

10.2 As such the development is not considered to be contrary to CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policies EN1, EN20 and EN25 or the NPPF.

11. RECOMMENDATION

11.1 That the application be **APPROVED**. No conditions are recommended.

Informative(s):

1. 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 subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. This permission is in respect of drawings 2073/1000/A, ALL-2073-05-LA-3010/H and AA5348/SE-2073-001-AC-A-SITELOCATIONPLAN received by the Local Planning Authority on 22nd October 2018.