

ITEM NO: 06

Application No.
19/00318/FUL
Site Address:

Ward:
Hanworth

Date Registered:
4 April 2019

Target Decision Date:
30 May 2019

ALDI 136 Liscombe Bracknell Berkshire RG12 7DE

Proposal:

Installation of new exit plus alterations to entrance of existing foodstore and replacement of existing external plant and associated plant enclosure.

Applicant:

ALDI Stores Ltd.

Agent:

Mr James Tavernor

Case Officer:

Alys Tatum, 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 relates to a site within the settlement boundary and is therefore acceptable in principle.

1.2 The proposal would not adversely impact upon the character and appearance of the surrounding area. The proposal would not adversely affect the residential amenities of neighbouring residential units. There would be no adverse highway safety implications.

1.3 Relevant conditions will be imposed. The scheme is not CIL liable.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application was first reported to the Planning Committee on the 18th July 2019 where the application was deferred to enable members to visit the site and to ensure that an Environmental Health Officer was present at the next meeting to answer noise related questions. The application returned to the Planning Committee on the 15th August 2019 and was deferred to allow for the addition of a canopy suggested by the agent to minimise the noise impact on nearby residents.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within a defined settlement boundary

3.1 The site is situated on the corner with Liscombe and Birch Hill Road. The service access to the Aldi store is off Liscombe and the customer parking is accessed from Birch Hill Road. The Aldi store is part of the Birch Hill shopping centre and occupies the ground floor of a shared building. Residential units occupy the first floor.

3.2 The site is situated within the settlement boundary of Bracknell.

4. RELEVANT SITE HISTORY

4.1 The most recent applications relating to the site are:

07/00123/FUL – Installation of 1 no. condenser unit to flat roof. Approved 05.04.07

08/00439/FUL – External alterations including new shopfront and alterations to loading bay and extension to form plant room. Approved 16.07.08

08/01092/FUL - Minor external alterations including new shopfront and alterations to loading bay and minor extension to form plant room (proposed amendment to planning permission 08/00439/FUL to form larger plant room only). Approved 10.02.09

12/00010/FUL – Conversion of office floorspace above retail store to accommodate 9 no. one bedroom and 5 no. two bedroom flats with associated alterations comprising erection of two storey extension (for lift) and freestanding bin-store, insertion of new windows and roof lights

6. REPRESENTATIONS RECEIVED

Bracknell Town Council

6.1 Bracknell Town Council recommends refusal of the application due to the position of the external plant. It considers the removal of the existing wall and relocation of this equipment on the outside wall directly opposite living accommodation would have a negative effect on surrounding tenants. This view takes into consideration that the external plant will be running constantly and so the Town Council is concerned it will have a negative impact on the ability of local tenants to open their windows without hearing constant plant noise. The Town Council would support the improvement of the plant equipment if a more appropriate position was found preferably within the service yard. The Town Council has no objection to the entrance/exit alterations for the front of the store.

Other Representations

6.2 Nine letters of objections have been received from neighbouring properties. The concerns raised in the objections received can be summarised as follows:

- Impact on the level of noise and pollution received by surrounding residential units
- Would result in the removal of young trees and vegetation
- Inaccuracies in the submitted Design and Access statement
- Delivery lorries also causing disturbance to residents

7. SUMMARY OF CONSULTATIONS RESPONSES

Highways Officer

7.1 No objection.

Environmental Health

7.2 Additional information has been reviewed and no objection is raised subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

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

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent (except for CP1 of SALP which is not wholly consistent)
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Noise	EN25 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.

Transport	CS23 of CSDPD	Consistent
Trees, biodiversity and landscaping	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for considerations are:

- i. Principle of development
- ii. Impact on the character and appearance of surrounding area
- iii. Impact on residential amenity
- iv. Impact on trees
- v. Impact on highway safety
- vi. Community Infrastructure Levy (CIL)
- vii. Other considerations

i) Principle of Development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, which is supported by the NPPF (para. 2).

9.3 SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.4 Policy CS1 of the CSDPD sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.5 Policy CS2 of the CSDPD states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

ii) Impact on Character and Appearance of Surrounding Area

9.6 'Saved' Policy EN20 of the BFBLP states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, mass, design, materials etc. Policy CS7 of the CSDPD states that the council would require high quality design for all development in Bracknell Forest. Development proposals would be permitted which build on the urban local character, respecting local patterns of development. Paragraph 124 of the NPPF emphasises the importance of good design as key to making places better for people to live. Additionally, paragraph 130 of the NPPF states that the design of development should help improve the character and quality of an area and the way it functions.

9.7. The alterations to the access to the store do not significantly alter the appearance of this building and the use of matching materials allows it blend in well. The alterations are considered in keeping with the commercial use of the site in terms of its appearance.

9.8 The plant unit extends closer to the edge of Liscombe than the previous unit and has resulted in the removal of some soft landscaping. However, this landscaping strip, situated between Liscombe and the Aldi store, did not have any significant value in the context of the street scene and a good amount of soft landscaping remains along Liscombe, particularly at the opposite side of Aldi and at the junction with Birch Hill Road. As such, the loss of this small area of soft landscaping is not considered to be detrimental to the character and appearance of the area to a degree that warrants a refusal.

9.9 The fencing encloses the whole plant unit which is greater in scale than the previous unit. The proposed canopy over part of the plant unit would result in further enclosure. Whilst this would result in the plant unit appearing more prominent than the previous situation on site, as this is a commercial unit, it does not appear out of place and the materials are considered acceptable in this location. The assessment of the fixed plant noise is undertaken in accordance with the methodology in BS 4142:2014.

9.10 Based on the above, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with 'Saved' policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iii) Impact on Residential Amenity

9.11 'Saved' policy EN20 of the BFBLP states that development should not adversely affect the amenity of surrounding properties and adjoining area. Paragraph 127 of the NPPF states that the Local Planning Authority should ensure high quality amenity for all existing and future occupants of land and buildings.

9.12 Policy EN25 of the BFBLP states that development will not be permitted if it would generate unacceptable levels of noise, smoke, gases, fumes, effluent, vibration, dust or other environmental pollution which would adversely affect the amenities of the occupiers of building, or persons using outdoor space.

9.13 The nearest residential units are situated above the Aldi store. Some of the windows serving these residential units are situated on the northern and western elevation of the building, above the plant unit. The windows situated directly above the location of the plant units serve habitable rooms; a bedroom, dining room and living room. Other nearby residential dwellings are situated opposite the road to Aldi at Liscombe.

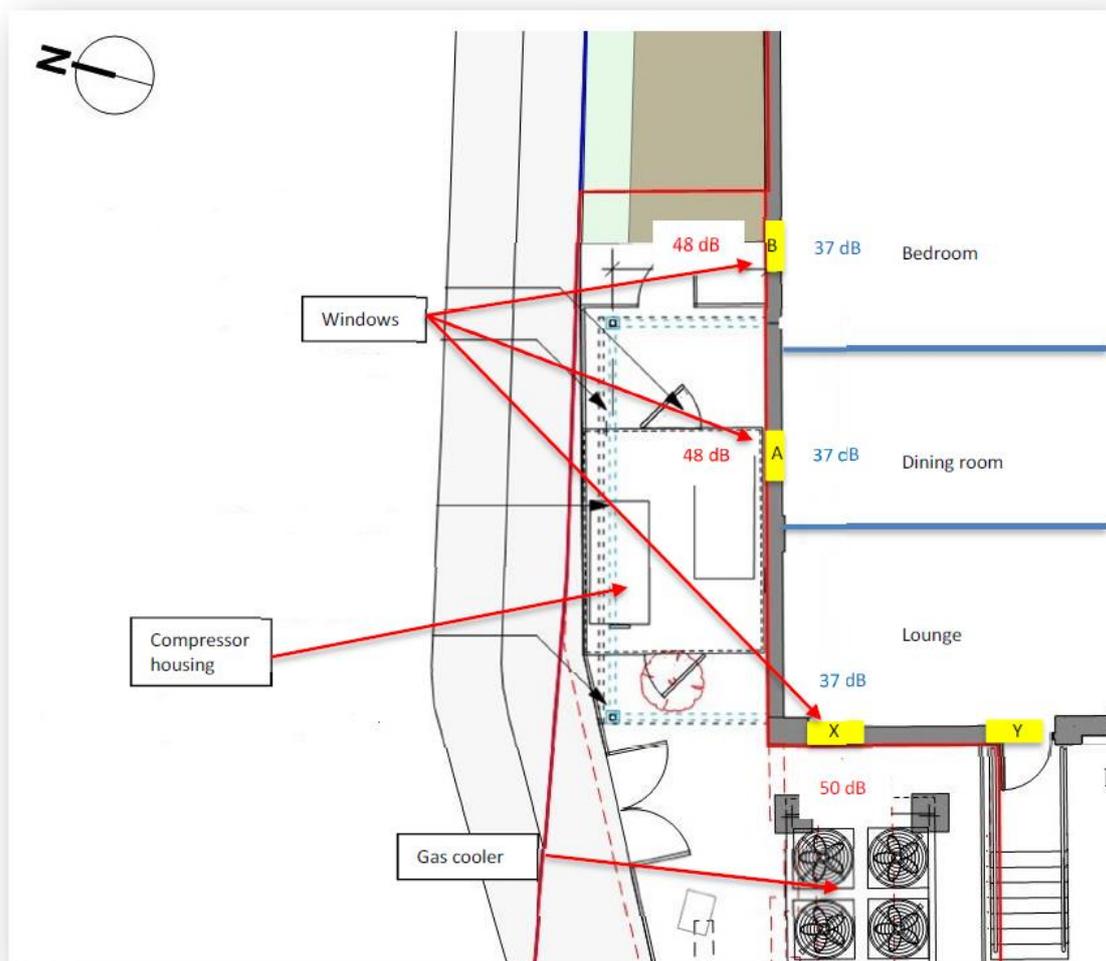
9.14 The first noise survey, undertaken at the site on 24th and 25th of July 2018, was a baseline noise survey, which was done to establish the noise climate in the vicinity of the Aldi site before the former plant equipment was removed. This survey indicated that the

former plant equipment was giving rise to a noise level of 56 dB at the flat above the plant and that the typical background noise climate outside 39 to 44 Liscombe was 44 dB during both daytime and night time periods.

9.15 An updated Noise Impact Assessment has been submitted to support the application, dated 14th October 2019. As this is a retrospective application, apart from the proposed canopy, with the replacement plant equipment having already been installed on site and operating, the noise assessment has been based on actual direct noise levels from the new plant, both inside and outside the residential flat situated above the Aldi store. This assessment has been reviewed by the Council's Environmental Health Officer.

9.16 The following diagram, taken from the submitted noise survey, indicates the location of the windows of the unit above Aldi, and the location of the plant units as well as the noise levels measured from these:

FIGURE 2: Measured plant noise levels (L_{AeqT})



9.17 The measured internal noise levels within the flat above Aldi was 37dB. This level is above the guideline noise values and a reduction of 2 dB is required to bring the daytime noise levels within the apartment in line with the recommended BS 8233 guideline noise value of 35 dB. A reduction of 7 dB would be needed in order for noise levels within the bedroom to comply with the night time guideline value of 30dB.

9.18 In order to reduce the noise level received at the bedroom to 30 dB at night, the applicant has proposed to install a canopy structure above the compressor housing unit

which has been shown in the submitted plans. It has been stated in the Noise Assessment that the canopy would result in noise level difference of 8 dB and 9 dB, ensuring that the resultant internal noise levels complies with the guideline noise values in the BS 8233:2014 at all times.

9.19 With regards to the noise level within the lounge area, situated above the gas coolers, this would be a considerable improvement from the noise generated from the previous plant unit being reduced from 56 dB to 37 dB. Therefore, whilst it would still be 2 dB above the guideline noise levels outlined within the BS 8233:2014, as there would be a clear betterment from previous situation, it would be difficult to refuse the application on this basis. It is also recognised that the gas coolers cannot be enclosed due to air flow requirements.

9.20 The noise survey indicated that the noise levels at 39-44 Liscombe would be 41 dB which is 1 dB below the typical existing daytime and night time background noise climate and is 3 dB below the noise level of the previous plant unit which was measured at 44 dB. The development is therefore an improvement on the previous situation in terms of the impact on the neighbouring residents at 39-44 Liscombe.

9.21 The Environmental Health Officer has reviewed the information submitted and has advised that the noise levels in relation to 39-44 Liscombe as well as that received when measured from the lounge of the above flat at Temple Moore House is acceptable due to it being a betterment from the previous situation. In terms of the noise levels from the bedroom of the flat, the implementation of the canopy is considered acceptable as the report states that the recommended noise levels would be complied with. The Environmental Health Officer has recommended that a condition is included to limit the noise level to 35 dB daytime and 30 dB at night time. It is also recommended that a suitable absorptive lining is installed to the underside of the canopy to minimise reflection of noise.

9.22 The noise assessment recommended that both the compressor housing and the gas cooler are installed on vibration isolation mounts to minimise the potential for structure borne noise to be transmitted into the apartment above and the Environmental Health Officer has recommended that this is conditioned. However, the agent has confirmed in recent email correspondence that vibration mats for the gas coolers and a vibration isolation mounts for the compressor unit have already been installed.

9.23 The Environmental Health Officer initially requested that a condition is included on any permission to restrict delivery hours as this was one of the concerns raised by the residents. However, this is not considered to be relevant to the current proposal as existing delivery hours are not currently restricted and so it would not be reasonable to include such a condition on this permission. Any excessive noise could be dealt with under Environmental Health legislation.

9.24 The fencing around the plant enclosure along with the canopy would be situated a sufficient distance away from any neighbouring property so as to not have any impact on their outlook.

9.25 As such, the proposal would not be considered to affect the residential amenities of neighbouring properties and would be in accordance with 'Saved' policies EN20 and EN25 of the BFBLP and the NPPF.

iv) Impact on Trees

9.26 'Saved' policy EN1 of the BFBLP states that planning permission will not be granted for development which would result in the destruction of trees and hedgerows. Trees and

hedgerows are important to the retention of the character and appearance of the landscape or townscape of the area.

9.27 A young tree has been removed to accommodate the proposed plant units. Although visible from the street scene, it is not considered that this tree was sufficiently important to the visual amenity of the area to object to its removal or to request its replacement.

v) Impact on Highways Safety

9.28 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy CS23 of the Core Strategy states that development will be permitted where mitigation against the transport impacts which may arise from that development or cumulatively with other proposals is provided.

9.29 The alterations to the store entrance/exit do not interfere with the pedestrian walkway fronting the store. This walkway is not adopted highway, but is a public route serving the Birch Hill Shopping Centre, which is owned/controlled by the Council. The plant and enclosures to the rear of the store do not interfere with the visibility splays at the service yard access onto Liscombe, an adopted residential road, or impact on the footway which runs adjacent to the rear of the store (and is adopted highway). Based on the above, the Highway Authority has no objection and the development is considered to comply with the above-mentioned policies.

vi) Community Infrastructure Levy (CIL)

9.30 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.

9.31 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 proposal does not create additional floorspace and is not therefore CIL liable.

10. CONCLUSIONS

10.1 It is considered that the development would be acceptable in principle. It would not result in an adverse impact on the character and appearance of the street scene or wider surrounding area or, highway safety, nor would it result in an adverse impact on the residential amenity of the occupiers of the neighbouring properties. It is therefore considered that the proposed development complies with 'Saved' policies EN1, EN8, and EN20 of the BFBLP, Policies CS1, CS2, CS7 and CS9 of the CSDPD and the NPPF.

10.2 Therefore the application is recommended for conditional approval.

11. RECOMMENDATION

11.1 That the application be APPROVED subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority:

Paladin Fence Detail no. 1703-P1 (Amended 25.06.19)
Proposed elevations no. 1704-p2 (Amended 28.08.19)
Proposed site plan no. 1400-P5 (Amended 25.06.19)
Location Plan no, 1100-P4 (Amended 24.04.19)
Store Entrance Changes no. 1701-P5 (Amended 25.06.19)

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall consists of those outlined on the approved plans. The materials shall thereafter be retained as such.

REASON: In the interests of the visual amenities of the area.
[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

4. The development hereby permitted shall be carried out in accordance with the details contained within the 'Assessment of noise from replacement fixed plant equipment' report produced by Sharps Redmore Acoustic Consultants and dated 21st October 2019 and the noise level when measured from the bedroom of no. 2 Temple Moore House, shall not exceed 35 dB daytime and 30 dB at night time as demonstrated within the report.

Reason: To protect the occupants of nearby residential properties from noise
[Relevant Policies: BFBLP EN25]

5. Prior to the installation of the approved canopy, details of a suitable adsorptive lining to line the underside of the canopy, in order to minimise noise reflection, shall be submitted to and approved in writing by the Local Planning Authority. It shall be maintained as such thereafter.

Reason: To protect the occupants of nearby residential properties from noise
[Relevant Policies: BFBLP EN25]

Informatives

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

2. The applicant is advised that the following conditions require discharging prior to installation of the approved canopy:

05. Canopy lining

No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

01. Time limit
02. Approved plans
03. Materials
04. In accordance with noise assessment

