

## Unrestricted Report

### ITEM NO: 07

Application No.  
**20/00022/FUL**  
Site Address:

Ward:  
Central Sandhurst

Date Registered:  
27 January 2020

Target Decision Date:  
23 March 2020

**39 Yorktown Road Sandhurst Berkshire GU47 9DU**

Proposal:

**Change of use from use Class A2 to mixed-use Class A1/A3 (sui generis) bakery.**

Applicant:

Greggs PLC

Agent:

Mr Julian Sutton

Case Officer:

Alys Tatum, 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. SUMMARY**

1.1 The proposed development relates to a site within the settlement boundary and within a designated retail centre. The proposed change of use is acceptable in principle in this location.

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.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee as it has received more than 5 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Within a defined settlement boundary
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Within a designated retail area
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3.1 The proposal site is located along Yorktown Road, within a shopping area. The site occupies a ground floor unit which is currently empty and was previously occupied by a bank. The lawful use of the site is therefore A2 (financial and professional services). There are residential units above the site.

3.2 The site is situated within the settlement boundary and a designated shopping area with policy E5 of the BFBLP and Policy CS21 of the CSDPD identifying the site as being a larger centre/town centre for Sandhurst.

### **4. RELEVANT SITE HISTORY**

4.1 The most recent applications relating to the site are:

20/00197/FUL - Installation of new shop front. Approved 2020

20/00198/A – Display of 2 no. non illuminated fascia signs, 1 non-illuminated projecting sign and 2 non-illuminated internal posters. Approved 2020

### **5. THE PROPOSAL**

5.1 Full planning permission is sought for the change of use from Class A2 (financial and professional services) to Class A1/A3. It is proposed to use the unit as a sandwich bar/bakery with the option to either take away food or sit in with 68 seats proposed. A use, such as that proposed, is considered to fall within use class A1/A3 as the sandwich

bar/bakery element, which covers the sale of primarily cold food to take away, falls under A1 (retail), with the option to eat at the premises covered under the proposed A3 (restaurants and café) use.

5.2 The proposed opening hours are as follows:

- Monday to Saturday: 06:00 – 22:00
- Sunday and Public Holidays: 09:00 – 16:00

The opening times for Monday to Saturday has been changed from 5am initially proposed to 6am.

5.3 Six parking spaces are available to the rear of the unit with on street parking available to the front of the unit. The site location plan has been amended during the course of the application to include the six parking spaces at the rear.

5.4 Separate planning permission and advertisement consent have been obtained for the associated alterations to the shop front and the new sign.

## **6. REPRESENTATIONS RECEIVED**

### Sandhurst Town Council

6.1 Sandhurst Town Council consider that the change of use of this unit to a 68 seater café would cause the slip road to be overloaded. They state that the slip road already has insufficient spare capacity especially during peak traffic periods to accommodate, in safety and without delays, the extra traffic which would be generated by this proposal.

### Other Representations

6.2 8 objections have been received from neighbouring properties. The concerns raised can be summarised as follows:

- Noise and disturbance caused to other shop keepers and residents
- Result in anti-social behaviour
- Insufficient parking for customers
- Harm other local businesses
- Insufficient waste capacity
- Impact of traffic on surrounding road network
- Opening hours

## **7. SUMMARY OF CONSULTATIONS RESPONSES**

### Highways Officer

7.1 No objection subject to conditions

### Environmental Health

7.2 No objection

## **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:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CS1 & CS2 of CSDPD	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
Retail	CS21 of CSDPD E5 and E10 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Design SPD		
Parking standards SPD		
<b>Other publications</b>		
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 Policy CS21 of the CSDPD relating to retail development in Town Centres identifies Yorktown Road (west of Swan Lane) as a larger centre providing convenience shopping to serve the local area. Policy E5 of the BFBLP relating to hierarchy of shopping centres, also identifies Yorktown Road (west of Swan Lane) as a town centre, although smaller than Bracknell. The site is therefore located within a designated retail area.

9.4 The supporting text for Policy E10 of the BFBLP relating to non-retail uses in Sandhurst Centre (west of Swan Lane), states that the Borough Council will promote development which contributes towards the diversity, environmental quality, vitality and viability and enhances the provision of class A1 within Sandhurst Centre. It goes on to state that encouragement will be given to mixed use developments and in particular development that enhances the evening economy.

9.5 These policies are considered to be broadly consistent with the NPPF, which states that planning policies should promote a strong and competitive economy and support the role that town centres play at the heart of local communities. Paragraph 85 of the NPPF states that policies should promote long term vitality and viability of town centres by allowing growth and diversification and allow a suitable mix of uses.

9.6 Although currently empty, the last lawful use of the proposal site is A2 (financial and professional services) and was last occupied by NatWest. The proposed change of use from A2 to A1/A3 would result in an A1 use being re-introduced to the shopping centre and the proposed A3 use would be an acceptable use within this location as outlined above. The proposed opening hours of the unit are proposed to be until 22:00 Monday to Saturday and until 16:00 on Sunday and Public Holidays. The proposal would also therefore contribute to the evening economy, improving viability and vitality of the area and evening activity.

9.7 It should also be noted that the change of use from A2 to A1 does not require planning permission. The A1 aspect of the proposed use could therefore begin to operate at the site without the need for planning permission. Furthermore, change of use of up to 150sqm from A2 to A3 is also possible under Permitted Development, subject to prior approval. The floorspace of the proposal site is approximately 200sqm with the A1 and A3 uses shared equally.

9.8 Based on the above, it is considered that the proposed change of use would be acceptable in principle subject to no adverse impact on the character of the area, residential amenity of neighbouring occupiers, highway safety, etc. These matters are assessed below.

#### ii) Impact on Character and Appearance of Surrounding Area

9.9 '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.

9.10 The change of use itself is not considered to detract from the character and appearance of the area particularly as the site is located within a designated retail area. The submitted plans show a proposed signage on the front elevation and some alterations to the existing shop front; however these changes have been applied for separately, as outlined in the planning history section.

9.11 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

9.12 'Saved' policy EN20 of the BFBLP states that development will 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.

9.13 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.

9.14 The nearest residential uses to the site include those situated above the proposal site on the first and second floor as well as those above the adjoining units.

9.15 The Council's Environmental Health Team has been consulted on the proposed change of use and has confirmed that they have no concerns regarding the potential level of noise and disturbance that the proposed use would generate. No additional kitchen extractors, flues or fans are required to accommodate the proposed use as products are typically cooked in ovens. If these were required in the future, planning permission would need to be sought where the impact on residential amenity can be reassessed.

9.16 The proposed opening hours are as follows:

- Monday to Saturday: 06:00 – 22:00
- Sundays and Public Holidays: 09:00 – 16:00

These opening hours would be longer than those of a typical A2 use, however the hours are similar to other uses within this designated retail area including Tesco and Co-op. As such, it is not considered that the proposed opening hours would be unreasonable considering the location of the site.

9.17 Based on the above assessment, 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 Highways Safety

9.18 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. 'Saved' Policy M9 of the BFBLP ensures that development provides satisfactory parking provision.

9.19 The site is located at the end of a parade of shops, with a shared parking area to the front (south). New Town Road runs down the west of the site and provides access to a service road and six allocated spaces to the rear of the unit.

9.20 The site shares parking with the adjacent units to the east as part of a shopping parade with a 1 hour waiting restriction. On the two occasions the Highway Authority has observed the site (Tuesday early afternoon and Friday late morning), there was a frequent turnover of cars for the parking with circa 3 to 4 spaces available at any time. There is also cycle parking situated directly in front of the unit for 4 cycles. There is a bay to the west of the site,

accessed via New Town Road, which could accept up to 2 cars or one larger vehicle, such as for deliveries. The applicant has confirmed that the six parking spaces adjacent to the site at the rear, which were formerly demised to NatWest Bank, have also been demised to this unit. The applicant has confirmed that these spaces would be marked up and be re-lined. As such, there would be six dedicated car parking spaces for the proposed unit, which it is assumed would be for staff and deliveries rather than customers.

9.21 The applicant has stated that Greggs standard delivery pattern is two deliveries per day as follows:

- Delivery duration: 15-20 minutes
- Vehicle; rigid 18 tonne HGV up to 11m in length
- Early morning AM delivery load, 3-4 stacks (6-8 wheel movements) containing fresh products baked in bakery that night, this includes cakes, bread etc.
- PM delivery load – 5 stacks (10 wheel movements). This includes 1-2 cages of stock items (crisps, drinks etc.), 1 stack chilled (fresh sandwich ingredients for example)
- 1-2 stack of frozen (frozen savouries for example).

9.22 Deliveries would be made through the back door accessed off New Town Road. The Highway Authority is of the view that there is sufficient space to accommodate such deliveries, utilising either two of the car parking spaces to the rear (north), accessed via a service road; or the layby to the side (west) on New Town Road.

9.23 The TRICS database does not have a suitable category for A2 (financial and professional services); however, there is a single comparator site in a miscellaneous category which has been used to give an approximate comparison against the previous A2 site use. TRICS does not directly use the land use lettering/numbering system used by planning. In this case the restaurant/takeaway TRICS selection would reflect the worst case scenario rather than just comparing it to a retail category.

9.24 The TRICS outputs indicate that the proposed use could generate up to 21 additional vehicle arrivals (plus their respective departures) over an hour period, when compared with the previous A2 use, giving an additional vehicle arrival circa every 3 minutes at peak times (lunchtime to early afternoon). To accommodate these additional vehicles in the circa 4 available spaces would require a turnover of vehicles in these spaces every 12 minutes, which may not be unreasonable during the daytime, given the typical operation of the proposed use model.

9.25 However, the comparison also shows an evening parking accumulation of up to 13 vehicles, typically associated with seated restaurants. It is unlikely that the proposed use would result in long dwell-times which could not be accommodated.

9.26 Subject to relevant conditions, the proposed change of use is not considered to result in highway safety issues and therefore complies with 'Saved' Policy M9 of the BFBLP, Policy CS23 of the Core Strategy, and the NPPF.

vi) Community Infrastructure Levy (CIL)

9.27 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.

9.28 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 new 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, highway safety, nor would the development 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 M9, E5, E10, EN25 and EN20 of the BFBLP, Policies CS1, CS2, CS7, CS9, CS21 and CS23 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:

Location Plan, received 02.06.2020

Proposed block plan, drawing no RSOE/S5480/01BP/H, received 27.01.2020

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

3. The use hereby permitted shall not be open to customers outside the following times:

- Monday to Saturday: 06:00hrs till 22:00hrs
- Sundays and Public Holidays: 09:00hrs till 16:00hrs

Reason: in the interests of the amenities of the occupiers of nearby residential premises.  
[Relevant Policies: BFBLP EN25]

4. The development hereby permitted shall not be brought into use until space for 6 cars to be parked has been surfaced and marked out to the rear (north) of the retail unit. During the AM and PM delivery times for the development, 2 adjacent spaces shall be kept free of parking for the loading and unloading of delivery vehicles. Appropriate signage shall be provided to indicate the 2 adjacent spaces to be kept free of parking for deliveries and the delivery times during which the spaces are to be kept free.

Thereafter the spaces shall not be used for any purpose other than parking and deliveries.

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

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

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

1. Time limit
2. Approved plans
3. Opening hours

The following condition requires discharge prior to the occupation of the development hereby approved:

4. Parking