

ITEM NO: 9Application No.
11/00426/FUL

Site Address:

Ward:
AscotDate Registered:
18 July 2011Target Decision Date:
12 September 2011**25 Eastcote Place Fernbank Road Ascot Berkshire
SL5 8JD**

Proposal:

Change of use from retail (A1 in Use Classes Order 1987 as amended) to ground floor 2 bed flat (Class C3 in Use Classes Order as amended)

Applicant:

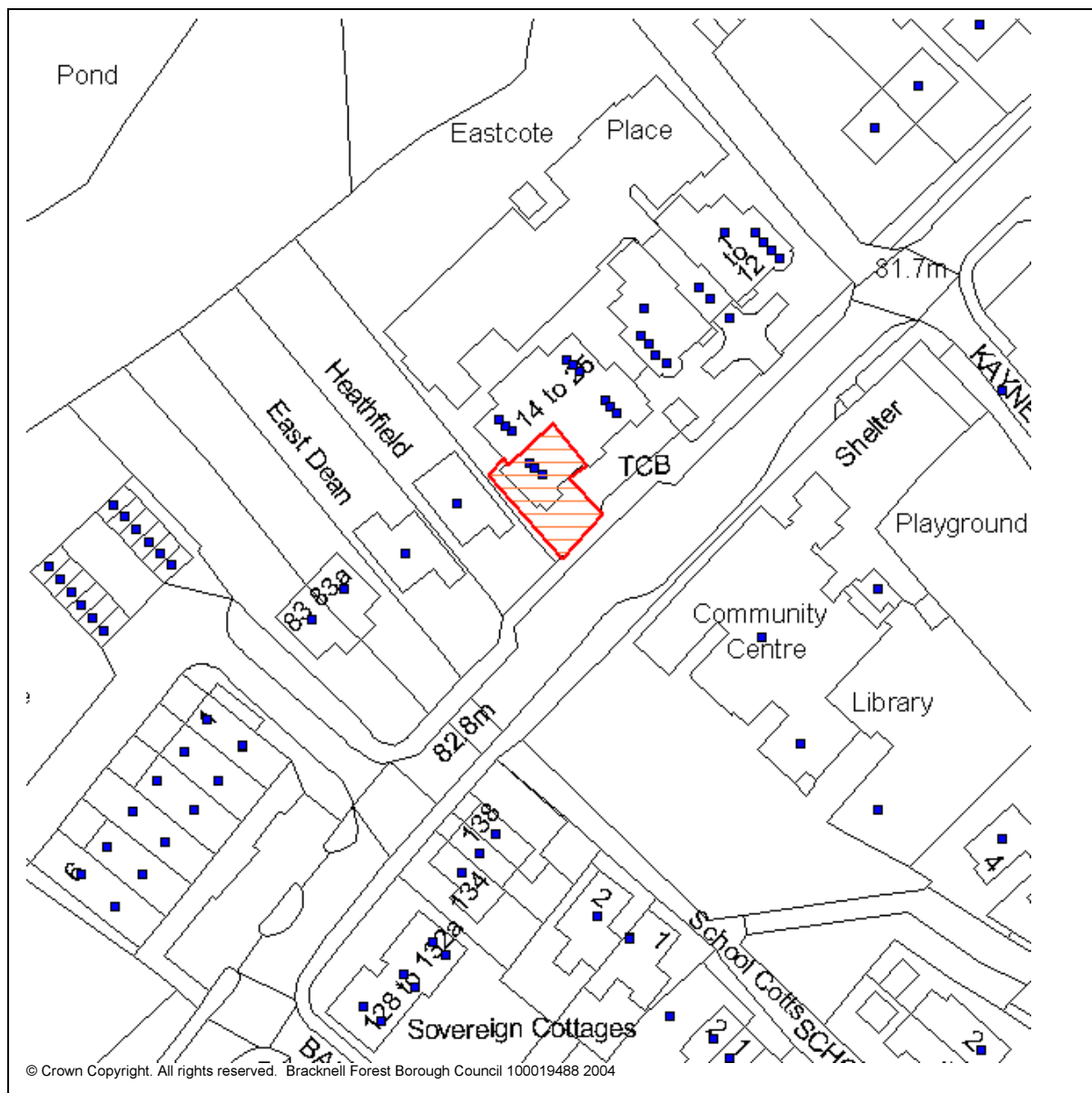
Mrs Bindu Patel

Agent:

Malcolm Williamson

Case Officer:

Michael Ruddock, 01344 352000

environment@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1 RELEVANT PLANNING HISTORY (If Any)

03/01001/FUL Validation Date: 14.10.2003
Erection of 3 storey building (to be attached to new building approved at 87-89 Fernbank Road) containing 5 two bedroom flats and 2 one bedroomed flats, and replacement post office following the demolition of existing building. Section 106(1) undertaking - Appeal Allowed
(Affects 14 - 25 only).
Refused

04/00508/FUL Validation Date: 17.05.2004
Erection of three storey building comprising 11no. two bedroom flats and replacement post office with associated parking and access following demolition of existing buildings.
(Affects 14 - 25 only)
Approved With A Legal Agreement

2 RELEVANT PLANNING POLICIES

Key to abbreviations

<i>BFBCS</i>	<i>Core Strategy Development Plan Document</i>
<i>BFBLP</i>	<i>Bracknell Forest Borough Local Plan</i>
<i>RMLP</i>	<i>Replacement Minerals Local Plan</i>
<i>WLP</i>	<i>Waste Local Plan for Berkshire</i>
<i>SPG</i>	<i>Supplementary Planning Guidance</i>
<i>SPD</i>	<i>Supplementary Planning Document</i>
<i>PPG (No.)</i>	<i>Planning Policy Guidance (Published by DCLG)</i>
<i>PPS (No.)</i>	<i>Planning Policy Statement (Published by DCLG)</i>
<i>MPG</i>	<i>Minerals Planning Guidance</i>
<i>DCLG</i>	<i>Department for Communities and Local Government</i>
<i>SEP</i>	<i>South East Plan</i>

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	EN20	Design Considerations In New Development
BFBLP	EN22	Designing For Accessibility
BFBLP	E8	COU A1 To Other Outside Defined Shopping
BFBLP	M6	Cycling And Walking
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS1	Sustainable Development Principles
BFBCS	CS6	Limiting the Impact of Development
BFBCS	CS7	Design
BFBCS	CS14	Thames Basin Heaths Special Protection Area
BFBCS	CS23	Transport
SEP	CC6	Sustainable Communities and Character of Environment
SEP	T4	Parking

3 CONSULTATIONS

(Comments may be abbreviated)

Winkfield Parish Council

Recommend refusal,
Winkfield Parish Council support the change of use but object to the current plan which is unacceptable due to loss of a front access

Transportation Officer

The amended plans show the front access as existing which is acceptable. Issues raised regarding bin and cycle storage.

4 REPRESENTATIONS

Three letters of objection were received, which all raise issues regarding the change of access from the front to the rear of the property.

(OFFICER COMMENT: Amended plans were received on 18th September 2011 which change the internal layout and show that the existing front door would remain)

5 OFFICER REPORT

Proposed number of parking spaces: 2
Proposed number of residential units: 1
Net gain: 1

This application is reported to the Planning Committee as more than three objections have been received.

i) PROPOSAL AND BACKGROUND

The proposed development is for the change of use of an existing A1 retail unit on the ground floor of the flats known as Eastcote Place to a two bedroom flat (C3 use). Part of the site was originally used as a post office, which was incorporated into the unit known as No.25 under the original planning permission for the site. The post office has since relocated to the newsagents within the Fernbank Road local parade.

Initially the submitted plans showed that the existing front door entrance would be replaced with a window, meaning that the sole entrance to the unit would be through the existing rear door with an access to the side of the unit being provided. However, amended plans were submitted which retain the front door to the unit, although pedestrian access to the rear will still be provided along the side of the building.

ii) SITE

As existing No.25 Eastcote Place is a vacant A1 unit on the ground floor of the flat development. Two parking spaces are located at the front, which are allocated to this property. As existing there is a bin store at the front of the site and a cycle store to the rear. Parking for the other flats other than No.25 is located to the rear of the building.

iii) PLANNING CONSIDERATIONS

1) Principle of the Development

The application would result in the change of use of 66.5 square metres shop floor space to a two bedroom flat, thereby involving the loss of a retail unit. The unit is currently vacant and was last occupied as a hair salon. The site is within the defined settlement area, therefore residential use is considered acceptable in principle.

The Local Parade referred to in Policy E5 of the Bracknell Forest Borough Local Plan is located at Royal Hunt House, Fernbank Road, approximately 50m south west of Eastcote Place. The application site is not designated as a village or neighbourhood centre identified by this policy. Therefore Policy E11, which relates to the change of use of existing shops within village and neighbourhood centres or local parades, does not apply.

Policy E8 of the BFBLP relates to the change of use of A1 units to other uses outside defined shopping areas. This sets out that the change of use of shop units to other uses will only be acceptable where there is no adverse effect upon the availability of local shopping facilities. In terms of retail provision, the 2010 retail survey shows that there is a mix of provision at the nearby Local Parade at Fernbank Road including a restaurant, takeaway, butchers, newsagents (with post office), flooring shop and travel agent. Therefore it is not considered that the loss of an A1 unit located 50m north east of the Local Parade would compromise the standard of local retail provision within the local area as a whole.

Furthermore, as the unit is currently vacant, it is not considered that the loss of this unit would affect the availability of local shopping facilities nor that it performs an important community role. As such the proposals would comply with Policy E8.

The proposed change of use is therefore considered acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, trees etc.

2) Highways Considerations

The principle of altering the A1 use to a single two bedroom flat is acceptable, as the likely traffic associated with the site would reduce. Parking for two vehicles on the frontage is available.

Initially the Highways Officer was concerned with the loss of the front door which would have resulted in the only access to the unit being located to the rear. However, amended plans have been submitted which now include a front access. Therefore the situation would be as existing which is considered acceptable.

An access path would be provided to the side of the building which is not shown on the submitted plans. The details should be submitted in order to ensure that a safe level access is provided and this will be covered by condition.

The Highways Officer has raised the issue of bin storage and cycle storage. Bin storage for Eastcote Place is located at the front of the site on Fernbank Road, and cycle storage is located in the car park to the rear. As the proposed flat would be a similar distance away from these facilities as the first floor flat above No.25 and the neighbouring flats it is considered that this would be acceptable.

3) Impact on the Character and Appearance of the Area

The internal alterations to the unit would not be visible in the streetscene and as no extension would be added to the unit it is not considered that the change of use would result in an adverse impact on the streetscene. A residential use would be in keeping with the character of the area.

The access to the side of the property would involve the loss of an area of landscaping that is visible in the streetscene. At the time of the Officer's site visit the landscaping was in place, however this has now been removed. As there is an area of landscaping forward of the landscaping that has been removed, and further landscaping forward of No.25 and along the fence between the frontage of No.25 and the neighbouring flat to the north east it is not considered that this is unacceptable.

It is therefore not considered that the proposed development would result in an adverse impact on the character and appearance of the area.

4) Effect on the Amenities of the Residents of the Neighbouring Properties and Future Residents

It is not considered that the change of use to residential would adversely affect the amenities of the residents of neighbouring properties. Although no outdoor amenity space would be provided as a result of the proposals, this is similar to many of the existing flats. Some of the ground floor flats have small amenity areas to the rear where there is space for a table and chairs, but none of the first or second floor flats have any outdoor space such as a usable balcony. Although there would be no outdoor amenity area available for future residents, it is not considered that this would be unacceptable.

5) SPA Considerations

The Council, in consultation with Natural England, has formed the view that that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath SPA is likely to have a significant effect on the SPA, either alone or in-combination with other plans or projects.

This site is located approximately 3.79 km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

Therefore, an Appropriate Assessment must consider whether compliance with conditions or restrictions, such as a planning obligation, can enable it to be ascertained that the proposal would not adversely affect the integrity of the site.

In line with the Council's Special Protection Area Technical Background Document (June 2007) and Chapter 11 of the Limiting the Impact of Development SPD (July 2007) (LID), the project as proposed would not adversely impact on the integrity of the site provided:

Prior to the permission being granted an applicant enters into a Section 106 Agreement based upon the Template S106 Agreement within Limiting the Impact of Development SPD; this is set out at Appendix B and the Second and Third Schedules of LID. The Template S106 requires a contribution of £1,279/net dwelling to be paid to the Council towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Avoidance and Mitigation Strategy. The open space works at Ambarrow Hill / Court is the most appropriate to this proposal (although it may be necessary to allocate the contribution to another SANG).

The Template S106 also requires occupancy to be restricted until the works and measures are in place.

The Council has also signed a legal agreement to secure financial contributions towards Strategic Access Management and Monitoring (SAMM) which is calculated on a per bedroom basis. This application for a two bedroom will require an additional financial contribution of £526. In summary, the total SPA related financial contribution including a contribution towards a SAMM project for the proposal is £1,805.

Natural England has agreed that if the plans are implemented as stated in the SPA Avoidance and Mitigation Strategy, with certain monitoring requirements, Natural England 'will stop objecting to consultations on applications in those areas of the Borough which have mitigation in line with the avoidance strategy.'

Therefore, the Council is convinced, following consultation with Natural England, that the above measures will prevent an adverse affect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 48(5) of the Conservation (Natural Habitats & c.) Regulations (1994) permission may be granted.

6) Impact on Infrastructure, Services and Amenities (S106 Considerations)

The proposed development would put pressure on existing facilities and infrastructure, and mitigation against the impact of the proposal will be required in accordance with the Bracknell Forest Council Supplementary Planning Document 'Limiting the Impact of Development' (July 2007). The additional dwelling in combination with other residential development could adversely affect the Thames Basin Heaths SPA. In accordance with the Borough Councils policies of seeking to limit the impact of development contributions are required towards:

1. Open Space and Recreation
2. Primary Education
3. Library Facilities
4. Thames Basin Heath SPA Mitigation

A draft Section 106 Agreement has been submitted with the application.

7) Sustainability

With regards to the requirements of Core Strategy Policies CS10 and CS12, the application would convert an existing building with an A1 use to a new dwelling.

Paragraph 2.6 of the Sustainable Resource Management SPD states that proposals to convert or change the use of a building are excluded from Core Strategy Policies CS10 and CS12.

Therefore no submission is required with regard to Policies CS10 and CS12.

CONCLUSIONS

It is not considered that the proposed development would result in an adverse impact on the character and appearance of the area or a detrimental effect on the amenities of the residents of the neighbouring properties. Amended plans show that the front access would remain as existing, which overcomes any concerns about the rear access. A condition will be included to ensure that the side path to the rear access is

acceptable. Subject to compliance with such a condition and the completion of the Section 106 Agreement, the application is recommended for approval.

6 RECOMMENDATION

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-

01. a) Open Space and Recreation
b) Primary Education
c) Library Facilities
d) Thames Basin Heath SPA Mitigation

That the Head of Development Management be authorised to **APPROVE** the application subject to the following condition(s):-

01. 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.
02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 18th September 2011:
'Plan for 25 Eastcote Place, Ascot'
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The unit shall not be occupied until a means of access for pedestrians has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of accessibility and to facilitate access by pedestrians.
[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

Bracknell Forest Borough Local Plan: Policy EN20 as it would be acceptable in terms of its impact upon the character of the area, and amenity of surrounding properties and adjoining area.

Policy EN22 which seeks to ensure there will be convenient access, parking space and facilities for people with disabilities.

Policy E8 which permits change of use of shop units (A1 use) where there is no adverse effect on the availability of local shopping facilities, and the site is located outside of defined shopping centres.

Policy M6 seeks to ensure that development will provide for safe, direct and well signed cycle and pedestrian routes.

Policy M9 which seeks satisfactory parking provision for vehicles and cycles.

Core Strategy Development Plan Document: Policy CS1 which seeks to ensure that development makes efficient use of land and buildings, reduces the need for travel, promotes a mix of uses, conserves water and energy use, supports the economic wellbeing of the population, protects and enhances safety, natural resources, character of local landscape and historic and cultural features.

Policy CS6 which seeks to ensure that development will mitigate adverse impacts upon communities, transport and the environment.

Policy CS7 which seeks to ensure that developments are of high quality design.

Policy CS14 which seeks to avoid an adverse impact upon the integrity of the Thames Basins Heaths Special Protection Area.

Policy CS23 which seeks to ensure the Council will use its powers to reduce the need to travel, and promote alternative modes, increase safety of travel and maintain and improve the local road network.

South East Plan: Policy CC6 which seeks development that will respect and enhance the character and distinctiveness of settlements and landscapes, and use innovative design to create a high quality built environment which promotes a sense of place.

Policy T4 which seeks an appropriate level of parking.

Planning Policy Statements:

* Limiting the Impact of Development Supplementary Planning Document (July 2007), which provides guidance on planning obligations which may be required to satisfy planning policies, and aimed at making development more sustainable.

Guidance contained in the draft National Planning Policy Framework has been taken into account.

The following material considerations have been taken into account:

The proposal is considered to comply with BFBLP Policies EN20, EN22, E8, M6 and M9, CSDPD Policies CS1, CS6, CS7, CS14 and CS23, and SEP Policies CC6, SP5 and T4. The proposal will not adversely affect the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

In the event of the S106 planning obligation(s) not being completed by 31/12/11 the Head of Development Management be authorised to **REFUSE** the application on the grounds of:-

01. The proposed development would unacceptably increase the pressure on open space and recreation facilities, primary education facilities, library facilities and the Thames Basin Heath Special Protection Area. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which secure contributions towards integrated transport and highway safety measures

the proposal is contrary to Policy CC7 of the South East Plan, Policy CS24 of the Core Strategy Development Plan Document and the Supplementary Planning Document Limiting the Impact of Development (adopted July 2007)

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk