

Unrestricted Report

ITEM NO: 6

Application No.
12/00041/FUL
Site Address:

Ward:
Crowthorne

Date Registered:
18 January 2012

Target Decision Date:
14 March 2012

59 - 61 Dukes Ride Crowthorne Berkshire RG45 6NS

Proposal:

Retention of part single, part two storey rear and side extension, loft conversion, dormers and porch, external cladding to building and garage, provision of cycle and pram storage facilities, re-organisation and resurfacing of car park.

Applicant:

Select Enterprises

Agent:

Hobbs Parker Property Consultants

Case Officer:

Alison Ind, 01344 352000

environment@bracknell-forest.gov.uk

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



1 RELEVANT PLANNING HISTORY (If Any)

01/01227/FUL Validation Date: 17.12.2001
Change of use from residential to nursery use, to form an extension of the existing nursery at no.61 Dukes Ride.
Approved With A Legal Agreement

616083 Validation Date: 08.05.1990
Single storey rear extension and erection of detached garage.
Approved

624255 Validation Date: 04.11.1998
Section 73 application to increase number of children attending nursery from 44 to 50 and to amend car parking layout without compliance with conditions 7 and 8 of planning permission 622705.
Approved

602585 Validation Date: 23.06.1977
Erection of a single storey side extension - providing additional living area and erection of a detached garage.
Approved

601176 Validation Date: 03.09.1975
Application for erection of 6 feet larch lap fence at front of property.
Approved

602129 Validation Date: 07.12.1976
Single storey extension to lounge and hall and double integral garage.
Approved

602018 Validation Date: 02.11.1976
Outline - Application for erection of detached house with garage, also erection of additional garage and new access.
Refused

EUC/024/76 Validation Date: 01.01.1976
Use of ground floor and garden for nursery school
Approved

617926 Validation Date: 01.01.1992
Outline application for the erection of one detached dwelling.
Approved

622705 Validation Date: 02.06.1997
Single storey side and rear extension to nursery school to provide nursery school and day care nursery on ground floor and change of use of first floor from residential use to nursery use.
Approved

623681 Validation Date: 24.04.1998
ADV - Display of 1 no. non-illuminated two panel sign (1.1m x 1.0m) on 1 metre high posts and 1 no. non-illuminated wall sign (1.1m x 1.0m).

Conditional Advertisement Consent

10/00643/FUL Validation Date: 23.09.2010
Erection of part single storey, part two storey rear and side extension, loft conversion, dormers and porch, air conditioning units, external cladding of the building, provision of cycle and pram storage facilities, re-organisation and surfacing of car park. (Retrospective).

Refused

11/00598/FUL Validation Date: 30.08.2011
Change of use from garage to caretakers flatted accommodation

Refused

11/00599/A Validation Date: 30.08.2011
Display of 5 no. non-illuminated free standing signs.

11/00601/FUL Validation Date: 30.08.2011
Installation of external lighting to four areas of site.

11/00847/A Validation Date: 12.12.2011
Display of 4 no. non-illuminated free standing signs (retrospective).

Part Consent, Part Refusal

11/00848/FUL Validation Date: 12.12.2011
Installation of external lighting (retrospective).

(No Decision – Application Currently Under Consideration)

Appeal Display of 4 no. non-illuminated free standing signs (retrospective).
Validation Date: 16.04.2012 **Appeal In Progress**

Reference:
12/00014/REF

2 RELEVANT PLANNING POLICIES

Key to abbreviations

BFBCS	Core Strategy Development Plan Document
BFBLP	Bracknell Forest Borough Local Plan
RMLP	Replacement Minerals Local Plan
WLP	Waste Local Plan for Berkshire
SPG	Supplementary Planning Guidance
SPD	Supplementary Planning Document
MPG	Minerals Planning Guidance
DCLG	Department for Communities and Local Government
NPPF	National Planning Policy Framework
SEP	South East Plan

<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	EN2L	Supplementing Tree And Hedgerow Cover
BFBLP	M9	Vehicle And Cycle Parking
BFBCS	CS7	Design
BFBCS	CS23	Transport
SEP	T4	Parking
SEP	CC6	Sustainable Comms. & Character of Env.

3 **CONSULTATIONS**

(Comments may be abbreviated)

Crowthorne Parish Council

Recommend approval

Tree Officer

Adequate proposed landscaping is shown for the proposed car parking layout, but good tree protection, especially for newly planted trees (which are TPO tree replacements), will be required during its construction/re- construction. Tree protection measures are also required to prevent storage in the rooting areas of the existing established trees on site, during this work. To help ensure the successful establishment of new planting a detailed 5 year maintenance specification should be provided. A section of play area, already constructed, should be removed as it is too close to the trees. This should be removed carefully using hand tools only under arboricultural supervision and reinstated to soft landscaping in accordance with an approved detailed method statement and also to comply with the TPO legislation. These issues should be conditions of any approval.

Landscape Officer

A number of proposed landscaping, ground preparation and tree protection details are still outstanding. These should be secured by conditions.

Biodiversity Officer

As the application appears to be entirely retrospective and planning statement mentions the tree officer has already advised appropriate action for replanting of trees, there are no further comments to make.

Transportation Officer

The previous Transportation comments will apply. In addition, the alteration to the parking layout by incorporating bonded paths around the areas of gravel is an acceptable method to provide safe access to the building for buggies and the disabled. Porous paving for the spaces is also acceptable but the spaces should be delineated. Details of the porous construction will be required. The construction of the gravel areas should also be covered by the condition to ensure that there are no issues for vehicles getting into and out of the site.

In terms of the parking layout, the garage is shown on the plans as being no longer available for vehicle parking. However, the scheme includes adequate on site vehicle parking space.

4 REPRESENTATIONS

Two objections have been received. The grounds of objection are:

- the appearance of the mock Tudor is not in keeping.
- precedent set in doing development prior to obtaining planning permission.

5 OFFICER REPORT

This application is reported to the Planning Committee as the Officer Recommendation is not consistent with the decision made previously on application 10/00643/FUL by the Planning Committee. Planning application 10/00643/FUL was refused for the following reason: *"The addition of cladding has changed the external appearance of the nursery so that it has become out of character and out of keeping with neighbouring properties in the locality and in the street scene, to the detriment of the visual amenity and local identity of the area. The development is therefore contrary to the aims of the Character Area Assessments SPD (chapter 3 Crowthorne), and to Policy EN20 of the Bracknell Forest Borough Local Plan, to Policy CS7 of the Core Strategy Development Plan Document, and to Policy CC6 of the South East Plan."*

i) PROPOSAL

Application 10/00643/FUL was refused planning permission. During the course of that application, work commenced on site and the nursery was open for business again prior to the application being refused. The proposal was amended (mainly involving the submission of more accurate plans) and resubmitted under the current application. As such, the proposal is retrospective. The proposal includes: raising of the ridge height of the roof of part of the existing building by 2.2m and to create various small extensions to the premises, totalling approximately 90sq.m. (including new floor area to the day nursery, including at ground floor level, a new W.C. room, a small front extension/porch, and at first floor level a roof garden, a small extension to provide a milk kitchen and a dormer extension to provide a multi-activity room). In addition, the proposal includes air conditioning units, external cladding of the building, provision of cycle and pram storage facilities and the laying of play area surfacing, re-organisation and surfacing of car park. A first floor balcony is included which faces into the site. No additional children were proposed as a result of the extensions.

ii) SITE AND RELEVANT PLANNING HISTORY

The site is on the south side of Dukes Ride at the junction with Heath Hill Road North. The plot is angular in shape and has two road frontages. Heath Hill Road is a private road with mainly residential properties. The location is generally characterised by trees and hedges which create a suburban environment. The landscaping at the site was cleared in many places to make way for a compound and for construction vehicles to enter and leave the site. Some of the trees on the site are covered by Tree Preservation Order 781A (dated 8 October 2010). A children's day nursery at number 59 Dukes Ride was extended into number 61 Dukes Ride under approval 01/01227/FUL in 2002. The number of children allowed (82 at any one time) and the car parking layout were the subject of planning conditions.

The garage conversion to residential was the subject of separate application referenced 11/00598/FUL for the "Change of use from garage to caretaker's flatted accommodation". This was refused planning permission in November 2011.

The application site falls within the Bracknell Forest Character Area Assessment SPD (Area B West Crowthorne). The National Planning Policy Framework (NPPF) was published recently, 27th March 2012, and is now a material consideration.

iii) PLANNING CONSIDERATIONS

(1) Principle of the development

The site has an existing planning permission for use as a children's nursery. The proposal is to extend the nursery building. The principle of extending the existing building is acceptable subject to normal development management criteria, including, highway, residential amenity and environmental issues, and subject to there being no other, over-riding material planning issues.

(2) Transport issues

The application shows a satisfactory parking layout and level of vehicle parking spaces. The spaces should be conditioned for retention. The proposed bonded paths around the areas of gravel is an acceptable method to provide safe access to the building for buggies and the disabled and is therefore an improvement over the previous application. Porous paving proposed for the spaces is also acceptable but the spaces should be delineated. A planning condition can secure this. Details of the porous construction will also be required by condition. The construction of the gravel areas should also be covered by the condition to ensure that there are no issues for vehicles getting into and out of the site.

The garage is shown on the plans as being for storage rather than for vehicle parking. This is acceptable.

(3) Impact on character and appearance of the area

The property is set in a location which is characterised by trees and hedges and established landscaping. A substantial landscaping scheme has been submitted. Whilst this proposed landscaping scheme is not yet entirely acceptable to the Landscaping Officer, it is considered that an improved landscaping scheme can now be achieved through planning conditions.

The car park has been surfaced in gravel which in turn is deep in areas. The gravel is out of character with the area and is not suitable for marking out of the car park. It was suggested that the gravel should be replaced with tarmac. However, the proposal now shows a lesser quantity of gravelled areas with vehicle parking spaces and pedestrian routes surfaced with bonded material including block paving.

One of the more noticeable and controversial amendments to the original planning application is the mock Tudor rendering which has been applied to the whole building. This has been a cause for concern by some residents previously (on 10/00643/FUL), and again, two objections have been submitted on the current application, commenting that the appearance of the building is now out of keeping with the red brick vernacular and that the proposal is setting a precedent.

The Urban Design Officer has explained that the Character Area Assessments SPD states that "this area is predominantly red brick, with the odd use of yellow brick and render" and that "...the lack of a strongly distinctive character to the eastern part of the area makes it vulnerable to inappropriate design".

As such, the Urban Design Officer is concerned about the loss of the red brick and the use of a mock tudor as it appears as inappropriate in design in this location and provides a further erosion of character. However, it is considered that the site was in need of renovation and this has clearly been achieved. Mock tudor cladding has also been used at 54 Dukes Ride and the area is characterised by a mix of design. The Character Area Assessment SDP has identified "...the lack of a strongly distinctive character to the eastern part of the area...." and therefore whilst red brick would be preferable it is considered that a refusal on these grounds alone is not warranted.

(4) Impact on trees

There are a number of trees within site, some of which are protected by a Tree Preservation Order. Since the planning application was submitted two applications under Tree Preservation Order legislation have been submitted. Permission has been granted for the removal of several trees subject to conditions requiring replacement planting of 10 trees in total. Certain aspects of the proposed hard landscaping/surfacing in the vicinity of the replacement trees are still not acceptable (on amended plan received 8.2.2012). It is considered reasonable therefore, to recommend that any approval of the extension includes conditions in respect of the protection/preservation of trees, proposed additional landscaping for the site and further details of hard landscaping.

(5) Effect on the amenity of neighbouring residential property

There is a gap in excess of 8m distance between the nursery building and the nearest residential dwelling (which shares a common boundary to the east of the site). There is an outbuilding in this gap. It is not considered that the extension will impact upon the residential amenities of the neighbouring dwelling at 55 Dukes Ride. A garden is annotated on the submitted layout drawing. It is recommended that, consistent with the previous approval 01/01227/FUL, a condition controlling the hours of use of the garden is applied to any approval.

An application for illumination (12/00848/FUL) for the extension is currently being considered by the LPA.

The signage is controlled under the Advertisement Regulations. Application 12/00847/A, was refused by officers and is currently the subject of an appeal.

(6) Access implications

The scheme should comply with Part "M" of the Building Regulations. This should include level entrance threshold, satisfactory door widths, toilets and vehicle parking spaces for disabled people, and footpaths which are of reasonable width and flat.

CONCLUSIONS

The principle of the extension and associated works is acceptable under the policies of the development plan. The landscaping scheme and car parking arrangements have been improved since the previous application and further improvements can be achieved via planning conditions. The impact of the proposal on protected trees and in

respect of the Character Area Assessment SPD (Area B West Crowthorne) have been considered. There are no over-riding material planning issues to warrant refusal of this application. The application is therefore recommended for approval.

6 RECOMMENDATION

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

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 which were received and dates stamped by the Local Planning Authority on 18.01.2012:
PROPOSED ELEVATIONS LDP/253/C/07/D
PROPOSED FLOOR PLAN LDP/253/C/06/D
PROPOSED CYCLE AND PRAM STORE LDP/253/C/09/C
LANDSCAPING SCHEME 1095 (amended) received 08.02.2012
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The number of children at the nursery 59-61 Dukes Ride shall not exceed 82 pupils at any one time.
REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of the adjoining residents.
Policies: BFBLP EN20, M9, CSDPD CS7, CS23.
04. The hours of operation shall be restricted to 08.00 - 18.00 hours Monday to Friday and at no other times.
REASON: In the interests of the residential amenities of neighbouring properties.
[Relevant Plans and Policies: BFBLP Policy EN20, CSDPD Policy CS7]
05. Within one month from the date of this planning permission, a scheme and methodology for the associated vehicle parking and turning space to be surfaced and marked out on site, shall be submitted for approved in writing by the Local Planning Authority. In the event of the Local Planning Authority giving notice of refusal of the submitted scheme, the scheme shall be expeditiously amended and resubmitted so often as may be necessary to secure the approval of the Local Planning Authority. The approved scheme shall be implemented within two months of the date of the written approval of the Local Planning Authority. The plan shall include existing car park to the front of the site (off Dukes Ride) and the proposed car park to the rear of the site (off Heath Hill Road). The car park to the rear of the site (and shown on Amended drawing 1095 shall include 25 vehicle parking spaces. The spaces in both car parks shall be retained thereafter and shall not be used for any purpose other than parking and turning.
REASONS:
A) To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
B) In the interests of visual amenity
C) In the interests of accessibility
[Relevant Policies: BFBLP M9, EN20, EN22, Core Strategy DPD CS23, CS7, and SEP T4]

06. The vehicle access gates shall be kept open between the times of 7.45 - 18.15 hours Monday to Friday, for vehicles to enter and exit the site, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To enable staff movement and for parents to drop off and collect children without creating traffic congestion on Heath Hill Road.
[Plans and policies: BFBLP EN20, CSDPD CS7]
07. Within two months of this permission, the access shall be surfaced with a bonded material across the entire width of the access for a minimum distance of 5m measured from the back edge of the carriageway and shall be maintained as such thereafter.
REASON: In the interests of highway safety.
[Relevant Policies: Core Strategy DPD CS23]
08. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees following guidance contained in British Standard 5837:2012 'Trees In Relation To Construction Recommendations' guidance (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Details shall include the following: -
- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development within influencing distance of the development.
 - b) Proposed location/s of 1.2m high (minimum) protective barriers, supported as a minimum by a sturdy, impact resistant wooden or metal scaffold framework.
 - c) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
 - d) All fenced off areas clearly annotated as Tree Protection Areas/ Construction Exclusion Zones.
 - e) Notes regarding restrictions which apply to Tree Protection Areas/ Construction Exclusion Zones.
 - f) Illustration/s of the proposed fencing structure/s to be erected.
- The development shall be carried out in full accordance with the approved scheme.
REASON: - In order to safeguard trees considered to be worthy of retention in the interests of the visual amenity of the area.
[Relevant Policies: BFBLP EN1, EN20, Core Strategy DPD CS7]
09. The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site (unless agreed otherwise in writing by the Local Planning Authority). Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other protective measures have been repositioned for that phase in full accordance with the approved details. No activity of any description must occur at any time within these areas including but not restricted to the following: -
- a) No mixing of cement or any other materials.
 - b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.

- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - f) Parking/use of tracked or wheeled machinery or vehicles of any description.
- In addition to the protection measures specified above,
- a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
 - b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1, EN20, Core Strategy DPD CS7]

10. Within three months of the date of this planning permission, comprehensive details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: -
- a) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
 - b) Comprehensive 5 year post planting maintenance schedule.
 - c) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
 - d) Means of enclosure (walls and fences etc)
 - e) Paving including pedestrian open spaces, paths, patios, proposed materials and construction methods, cycle routes, parking courts, play areas etc.
 - f) Recycling/refuse or other storage units, play equipment
 - g) Other landscape features (water features, seating, trellis and pergolas etc)
 - h) Detailed method statement for the removal of existing play area located to the north of the Wetpur Safety Surface. The removal of this existing play area shall be undertaken under arboricultural supervision.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, within 6 months of this planning permission. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation.

REASON: - In the interests of good landscape design and the visual amenity of the area.

[Relevant Policies: BFBLP EN1, EN2, EN20, Core Strategy DPD CS7]

11. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place, unless the Local Planning Authority gives its written consent for any variation.
REASON: - In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2, EN20, Core Strategy DPD CS7]

Summary Of Reason(s) For Decision:

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

Bracknell Forest Borough Local Plan: Policies EN1, EN2, EN20 and it is considered that the development will not cause material planning harm to the character of the area or to the street scene or to the residential amenities of the neighbouring dwellings, and it is considered that there is adequate space for vehicle parking at the site; BFBLP Policies EN22, M9 and it is considered the proposal is accessible and that there will be adequate space for vehicle parking on site.

Core Strategy Development Plan Policies CS7, CS23 and again, it is considered that the development will not cause material planning harm to the street scene or to the residential amenities of the neighbouring dwellings, and it is considered that there is adequate space for vehicle parking at the site.

South East Plan: Policies CC6, T4 and it is considered that the development will not cause material planning harm to the street scene or to the residential amenities of the neighbouring dwellings, and that adequate space for vehicle parking is included, and there are no other over-riding planning policy issues.

(Please note that this is not intended to be an exhaustive list).

The following other material considerations have been taken into account:

The proposal is considered to comply with National Planning Policy Framework.

The proposal will not adversely harm the character of the building, neighbouring property or area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

Informative(s):

01. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders and/ or Conservation Area legislation. In simple terms, detailed written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable

to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

02. Please note that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides any Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification). Prior written consent must be obtained from the Council's Tree Service before undertaking any works which require the removal/ and or pruning of a protected tree or may affect / cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description, foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary consent or any damage arising from non compliance with this requirement may be liable to prosecution by the Council.

03. With regards to the detached garage, and in accordance with the description on the planning application form and the details within the Design Statement, this decision is in respect of the external appearance only. Any conversion into an independent residential unit will require planning permission.

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